

105TH CONGRESS  
2D SESSION

# H. R. 3514

To prevent violence against women, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1998

Mr. CONYERS (for himself, Mr. SCHUMER, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BLAGOJEVICH, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of California, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLEMENT, Mr. COYNE, Mr. CRAMER, Mr. CUMMINGS, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DOOLEY of California, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAZIO of California, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GUTIERREZ, Ms. HARMAN, Mr. HILLIARD, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. KENNELLY of Connecticut, Ms. KILPATRICK, Mr. KLECZKA, Mr. LAMPSON, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. McDERMOTT, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Mr. SCOTT, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mr. TORRES, Mr. UNDERWOOD, Mr. VENTO, Ms. WATERS, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Ways and Means, Commerce, Banking and Financial Services, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prevent violence against women, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
 5        “Violence Against Women Act of 1998”.

6        (b) TABLE OF CONTENTS.—The table of contents for  
 7        this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—CONTINUING THE COMMITMENT OF THE VIOLENCE  
 AGAINST WOMEN ACT

Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence  
 Against Women

Sec. 101. Reauthorization.

Sec. 102. Technical amendments.

Sec. 103. State coalition grants.

Subtitle B—National Domestic Violence Hotline

Sec. 111. Reauthorization.

Sec. 112. Technical amendments.

Subtitle C—Battered Women’s Shelters and Services

Sec. 121. Short title.

Sec. 122. Authorization of appropriations for family violence prevention and  
 services.

Sec. 123. FVPSA improvements.

Subtitle D—Community Initiatives

Sec. 131. Grants for community initiatives.

Subtitle E—Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

Subtitle F—Grants To Encourage Arrest Policies

Sec. 151. Definitions.

Sec. 152. Reauthorization.

Sec. 153. Technical amendment.

Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

Sec. 161. Reauthorization.

Sec. 162. Technical amendments.

Subtitle H—National Stalker and Domestic Violence Reduction

- Sec. 171. Technical amendments.
- Sec. 172. Reauthorization.

Subtitle I—Federal Victims’ Counselors

- Sec. 181. Reauthorization.

Subtitle J—Education and Prevention Grants To Reduce Sexual Abuse of  
Runaway, Homeless, and Street Youth

- Sec. 191. Reauthorization.
- Sec. 192. Dissemination of information.

Subtitle K—Victims of Child Abuse Programs

- Sec. 191–1. Reauthorization of court-appointed special advocate program.
- Sec. 191–2. Reauthorization of child abuse training programs for judicial personnel and practitioners.
- Sec. 191–3. Reauthorization of grants for televised testimony.
- Sec. 191–4. Dissemination of information.

TITLE II—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

- Sec. 201. Findings.

Subtitle A—Safe Havens for Children

- Sec. 211. Purposes.
- Sec. 212. Grants to provide for supervised visitation centers.

Subtitle B—Violence Against Women Prevention Among Youth in Schools

- Sec. 221. Grants for violence against women prevention among youth.

Subtitle C—Family Safety

- Sec. 231. Short title.
- Sec. 232. Findings and purposes.
- Sec. 233. Defense to criminal custodial interference or parental abduction charge.
- Sec. 234. Full faith and credit given to child custody determinations.

Subtitle D—Domestic Violence and Children

- Sec. 241. Child custody, child abuse, and victims of domestic violence.

Subtitle E—Child Welfare Worker Training on Domestic Violence and Sexual  
Assault

- Sec. 251. Child welfare worker training on domestic violence and sexual assault.

Subtitle F—Child Abuse Accountability

- Sec. 261. Short title.
- Sec. 262. Amendments to title I of the Employee Retirement Income Security Act of 1974.
- Sec. 263. Amendments to the Internal Revenue Code of 1986.
- Sec. 264. Effective date.

## TITLE III—SEXUAL ASSAULT PREVENTION

## Subtitle A—Rape Prevention Education

- Sec. 301. Transfer of rape prevention and education program.
- Sec. 302. Technical amendment to Public Law 103–322.

## Subtitle B—Standards, Practice, and Training for Sexual Assault Examinations

- Sec. 311. Short title.
- Sec. 312. Standards, practice, and training for sexual assault examinations.

## Subtitle C—Prevention of Custodial Sexual Assault by Correctional Staff

- Sec. 331. Short title.
- Sec. 332. Findings.
- Sec. 333. Establishment of prevention program.
- Sec. 334. Prohibited sexual conduct by correctional staff.
- Sec. 335. National sexual contact hotline for prisoners.
- Sec. 336. Definitions.

## Subtitle D—Hate Crimes Prevention

- Sec. 341. Short title.
- Sec. 342. Findings.
- Sec. 343. Definition of hate crime.
- Sec. 344. Prohibition of certain acts of violence.
- Sec. 345. Duties of Federal Sentencing Commission.
- Sec. 346. Grant program.
- Sec. 347. Authorization for additional personnel to assist State and local law enforcement.
- Sec. 348. Severability.

## TITLE IV—DOMESTIC VIOLENCE PREVENTION

## Subtitle A—Domestic Violence Victims' Housing

- Sec. 401. Short title.
- Sec. 402. Authorization of appropriations.
- Sec. 403. Use of amounts for housing assistance for victims of domestic violence.
- Sec. 404. Definitions relating to domestic violence.
- Sec. 405. Other definitions.

## Subtitle B—Full Faith and Credit for Protection Orders

- Sec. 411. Full faith and credit for protection orders.
- Sec. 412. Grant program.

## Subtitle C—Victims of Abuse Insurance Protection

- Sec. 421. Short title.
- Sec. 422. Definitions.
- Sec. 423. Discriminatory acts prohibited.
- Sec. 424. Insurance protocols for subjects of abuse.
- Sec. 425. Reasons for adverse actions.
- Sec. 426. Life insurance.
- Sec. 427. Subrogation without consent prohibited.

- Sec. 428. Enforcement.
- Sec. 429. Effective date.

#### Subtitle D—National Summit on Sports and Violence

- Sec. 431. Sense of the Congress that a national summit of sports, political, community, and media leaders should be promptly convened to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault.

#### Subtitle E—Keeping Firearms From Intoxicated Persons

- Sec. 441. Prohibition against transfer of a firearm to, and possession of a firearm by, a person who is intoxicated.

#### Subtitle F—Access to Safety and Advocacy

- Sec. 451. Short title.
- Sec. 452. Purpose.
- Sec. 453. Grants to improve access to the justice system.
- Sec. 454. Application.
- Sec. 455. Funding.
- Sec. 456. Provision of technical assistance and training.
- Sec. 457. Evaluation of access to safety and advocacy grants.
- Sec. 458. Definitions.

#### Subtitle G—Federal Witness Protection for Victims of Domestic Violence

- Sec. 461. Witness protection.

### TITLE V—VIOLENCE AGAINST WOMEN IN THE MILITARY SYSTEM

#### Subtitle A—Civilian Jurisdiction for Crimes of Sexual Assault and Domestic Violence

- Sec. 501. Criminal offenses committed outside the United States by persons accompanying the Armed Forces.
- Sec. 502. Records of military justice actions.

#### Subtitle B—Transitional Compensation and Health Care for Abused Dependents of Members of the Armed Forces

- Sec. 511. Transitional compensation.
- Sec. 512. Health benefits.

### TITLE VI—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES

#### Subtitle A—Older Women’s Protection From Violence

- Sec. 601. Short title; table of contents.
- Sec. 602. Findings.

#### CHAPTER 1—VIOLENCE AGAINST WOMEN ACT OF 1994

- Sec. 603. Elder abuse, neglect, and exploitation.

#### CHAPTER 2—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

- Sec. 604–1. Definitions.

- Sec. 604–2. Domestic violence services for older individuals.
- Sec. 604–3. Demonstration grants for community initiatives.

#### CHAPTER 3—OLDER AMERICANS ACT OF 1965

- Sec. 605–1. Definitions.
- Sec. 605–2. Research about the sexual assault of women who are older individuals.
- Sec. 605–3. State long-term care ombudsman program.
- Sec. 605–4. Training for health professionals on screening for elder abuse, neglect, and exploitation.
- Sec. 605–5. Domestic violence shelters and programs for older individuals.
- Sec. 605–6. Authorization of appropriations.
- Sec. 605–7. Community initiatives and outreach.

#### CHAPTER 4—PUBLIC HEALTH SERVICE ACT

- Sec. 606–1. Short title.
- Sec. 606–2. Establishment, for certain health professions programs, of provisions regarding identification and referral for elder abuse and neglect.

#### Subtitle B—Protection Against Violence and Abuse for Women With Disabilities

- Sec. 611. Short title.
- Sec. 612. Findings.
- Sec. 613. Omnibus Crime Control and Safe Streets Act of 1968.
- Sec. 614. Public Health and Human Services Act.
- Sec. 615. Family Violence Prevention and Services Act.
- Sec. 616. Violence Against Women Act.
- Sec. 617. Training programs for social service and health providers.
- Sec. 618. Training for health professionals on screening for abuse of women with disabilities.
- Sec. 619. Research about sexual abuse and violence against women with disabilities.
- Sec. 619–1. Grants for technical assistance.

#### Subtitle C—Battered Immigrant Women

- Sec. 621. Short title.
- Sec. 622. Findings and purposes.
- Sec. 623. Cancellation of removal and adjustment of status for certain non-permanent residents.
- Sec. 624. General classes of aliens ineligible to receive visas and excluded from admission.
- Sec. 625. Procedure for granting immigrant status.
- Sec. 626. General classes of deportable aliens.
- Sec. 627. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
- Sec. 628. Removal proceedings.
- Sec. 629. Married persons and employees of certain nonprofit organizations.
- Sec. 630. Work authorization.
- Sec. 631. Records maintained on individuals.
- Sec. 632. Welfare and public benefits for aliens.
- Sec. 633. Legal services corporation.
- Sec. 634. Violence against women.

- Sec. 635. Powers of immigration officers and employees.
- Sec. 636. Effective date.

Subtitle D—Conforming Amendments to the Violence Against Women Act

- Sec. 641. Law enforcement and prosecution grants.
- Sec. 642. Family Violence Prevention and Services Act.

TITLE VII—VIOLENCE AGAINST WOMEN AND THE WORKPLACE

- Sec. 701. Findings.

Subtitle A—National Clearinghouse on Domestic Violence and Sexual Assault  
and the Workplace Grant

- Sec. 711. National clearinghouse on domestic violence and sexual assault and  
the workplace grant.

Subtitle B—Victims' Employment Rights

- Sec. 721. Short title.
- Sec. 722. Purposes.
- Sec. 723. Discrimination.
- Sec. 724. Enforcement.
- Sec. 725. Attorney's fees.
- Sec. 726. Defenses.

Subtitle C—Workplace Violence Against Women Prevention Tax Credit

- Sec. 731. Short title.
- Sec. 732. Credit for costs to employers of implementing workplace safety pro-  
grams to combat violence against women.

Subtitle D—Battered Women's Employment Protection

- Sec. 741. Short title and reference.
- Sec. 742. Purposes.
- Sec. 743. Unemployment compensation.
- Sec. 744. Entitlement to leave for domestic violence.
- Sec. 745. Entitlement to leave for Federal employees for domestic violence.
- Sec. 746. Existing leave usable for domestic violence.
- Sec. 747. Effect on other laws and employment benefits.
- Sec. 748. Effective date.

Subtitle E—Education and Training Grants To Promote Responses to  
Violence Against Women

- Sec. 751. Education and training grants to promote appropriate responses to  
violence against women.

Subtitle F—Workers' Compensation

- Sec. 761. Sense of Congress regarding workplace violence against women and  
workers' compensation.

TITLE VIII—EDUCATIONAL INSTITUTIONS AND VIOLENCE  
AGAINST WOMEN

Subtitle A—Grants To Reduce Violent Crimes Against Women on Campus

- Sec. 801. Grants to combat violent crimes against women on campuses.  
 Sec. 802. National baseline study on university campus procedures in case of a report of sexual assault.

Subtitle B—Student Safety

- Sec. 811. Short title; references.  
 Sec. 812. Disclosure of crimes reported and crime log.  
 Sec. 813. Exemption of allegations of criminal activity from education records definition.  
 Sec. 814. Program participation agreement enforcement.  
 Sec. 815. Report on model programs.

Subtitle C—Violence Against Women Training for Health Professions

- Sec. 821. Short title.  
 Sec. 822. Establishment, for certain health professions programs, of provisions regarding domestic violence and sexual assault.

Subtitle D—Campus Hate Crimes Right To Know

- Sec. 831. Disclosure.

TITLE IX—VIOLENCE AGAINST WOMEN INTERVENTION,  
 PREVENTION, AND EDUCATION RESEARCH

- Sec. 901. Violence against women intervention, prevention, and education research.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

- 3 (1) DOMESTIC VIOLENCE.—The term “domestic  
 4 violence” includes acts or threats of violence, not in-  
 5 cluding acts of self-defense, committed by a current  
 6 or former spouse of the victim, by a person with  
 7 whom the victim shares a child in common, by a per-  
 8 son who is cohabitating with or has cohabitated with  
 9 the victim, by a person who is or has been in a con-  
 10 tinuing social relationship of a romantic or intimate  
 11 nature with the victim, by a person similarly situ-  
 12 ated to a spouse of the victim under the domestic or  
 13 family violence laws of the jurisdiction, or by any



1 other person against a victim who is protected from  
2 that person's acts under the domestic or family vio-  
3 lence laws of the jurisdiction.

4 (2) SEXUAL ASSAULT.—The term “sexual as-  
5 sault” means any conduct proscribed by chapter  
6 109A of title 18, United States Code, whether or not  
7 the conduct occurs in the special maritime and terri-  
8 torial jurisdiction of the United States or in a Fed-  
9 eral prison and includes both assaults committed by  
10 offenders who are strangers to the victim and as-  
11 saults committed by offenders who are known to the  
12 victim or related by blood or marriage to the victim.

13 (3) STALKING.—The term “stalking” means  
14 engaging in a course of conduct directed at a spe-  
15 cific person that would cause a reasonable person to  
16 fear death or bodily injury to himself or herself or  
17 a member of his or her immediate family, when the  
18 person engaging in such conduct has knowledge or  
19 should have knowledge that the specific person will  
20 be placed in reasonable fear of death or bodily injury  
21 to himself or herself or a member of his or her im-  
22 mediate family and when the conduct induces fear in  
23 the specific person of bodily injury to himself or her-  
24 self or a member of his or her immediate family.

1 **TITLE I—CONTINUING THE COM-**  
2 **MITMENT OF THE VIOLENCE**  
3 **AGAINST WOMEN ACT**

4 **Subtitle A—Law Enforcement and**  
5 **Prosecution Grants To Combat**  
6 **Violence Against Women**

7 **SEC. 101. REAUTHORIZATION.**

8 Section 1001(a)(18) of the Omnibus Crime Control  
9 and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is  
10 amended—

11 (1) by striking “and” at the end of subpara-  
12 graph (E);

13 (2) by striking the period at the end of sub-  
14 paragraph (F) and inserting “; and”; and

15 (3) by inserting after subparagraph (F) the fol-  
16 lowing:

17 “(G) \$185,000,000 for fiscal year 2001;

18 “(H) \$185,000,000 for fiscal year 2002; and

19 “(I) \$185,000,000 for fiscal year 2003.”.

20 **SEC. 102. TECHNICAL AMENDMENTS.**

21 (a) Section 2002(c)(3) of the Omnibus Crime Control  
22 and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(c)(3))  
23 is amended to read as follows:

24 “(3) up to 20 percent to be allocated to law en-  
25 forcement, up to 20 percent to prosecution grants,

1 at least 35 percent to victims' services, and at least  
2 10 percent to State court systems; and”.

3 (b) Section 2002(e) of the Omnibus Crime Control  
4 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(e))  
5 is amended by adding at the end the following new para-  
6 graph:

7 “(3) REALLOTMENT OF FUNDS.—

8 “(A) If, at the end of the 9th month of  
9 any fiscal year for which funds are appropriated  
10 under section 1001(a)(18), the amounts made  
11 available are unspent or unobligated, such  
12 unspent or unobligated funds shall be reallocated  
13 to the current fiscal year recipients in the vic-  
14 tim services area pursuant to section  
15 2002(c)(3)) proportionate to their original allot-  
16 ment for the current fiscal year.

17 “(B) For the first 2 fiscal years following  
18 the effective date of this Act, the Attorney Gen-  
19 eral may waive the qualification requirements of  
20 section 2002(c), at the request of the State and  
21 with the support of law enforcement, prosecu-  
22 tion, and victims services grantees currently  
23 funded under this section, if the reallocation of  
24 funds among law enforcement, prosecution, vic-  
25 tims' services and State court systems man-

1           dated by this Act adversely impacts victims of  
2           sexual assault, domestic violence, and stalking,  
3           due to the reduction of funds to programs and  
4           services funded under this section in the prior  
5           fiscal year.”.

6           (c) Section 2001(b) of the Omnibus Crime Control  
7           and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is  
8           amended—

9           (1) by striking “and” at the end of paragraph  
10          (6); and

11          (2) by redesignating paragraph (7) as para-  
12          graph (8) and by inserting after paragraph (6) the  
13          following new paragraph:

14               “(7) developing, enlarging, or strengthening  
15          State court programs, including training for State,  
16          local, and tribal judges and court personnel, address-  
17          ing violent crimes against women, including sexual  
18          assault, domestic violence, and stalking; and”.

19          (d) Section 2002 of Omnibus Crime Control and Safe  
20          Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

21               (1) by inserting after subsection (d) the follow-  
22          ing new subsection:

23               “(e) MONITORING AND COMPLIANCE.—The Attorney  
24          General shall deny applications—

1 “(1) that do not meet the requirements set  
2 forth in subsections (c) and (d); and

3 “(2) for failure to provide documentation, in-  
4 cluding memoranda of understanding, contract, or  
5 other document of any collaborative efforts with  
6 other agencies or organizations.”; and

7 (2) by redesignating subsections (e), (f), (g),  
8 and (h) as subsections (f), (g), (h), and (i), respec-  
9 tively.

10 (e) Section 2003(8) of Omnibus Crime Control and  
11 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(8)) is  
12 amended by striking “assisting domestic violence or sexual  
13 assault victims through the legal process” and inserting  
14 “providing advocacy and assistance for victims seeking  
15 legal, social, and health care services”, and inserting be-  
16 fore the period the following: “, except that such term  
17 shall not include programs or activities that are targeted  
18 primarily for offenders”.

19 **SEC. 103. STATE COALITION GRANTS.**

20 Section 2001 of the Omnibus Crime Control and Safe  
21 Streets Act of 1968 (42 U.S.C. 3796gg) is amended by  
22 inserting after subsection (b) the following new subsection:

23 “(c)(1) PURPOSE.—The Attorney General shall make  
24 grants to each of the State domestic violence and sexual  
25 assault coalitions in the State for the purposes of coordi-

1 nating State victim services activities, and collaborating  
2 and coordinating with Federal, State, and local entities  
3 engaged in violence against women activities. In no case  
4 will such awards preclude the State domestic violence and  
5 sexual assault coalitions from receiving grants under Part  
6 T of this Act to fulfill the purposes described in section  
7 2001.

8 “(2) GRANTS TO STATE COALITIONS.—The Attorney  
9 General shall make grants to each of the State domestic  
10 violence coalitions, as determined by the Secretary of the  
11 Department of Health and Human Services through the  
12 Family Violence Prevention Services Act (42 U.S.C.  
13 10410 et seq.), and the State sexual assault coalition as  
14 determined by the Secretary of Health and Human Serv-  
15 ices under the Public Health Service Act. In States in  
16 which there exists a combined domestic violence and sex-  
17 ual assault coalition, each component shall be eligible for  
18 the awards for sexual assault and domestic violence activi-  
19 ties, respectively.

20 “(3) ALLOTMENT.—The Attorney General shall make  
21 grants under paragraph (2) to each State domestic vio-  
22 lence and sexual assault coalition equal to 5 percent of  
23 the amount appropriated for such fiscal year in section  
24 1001(a)(18). The domestic violence and sexual assault co-  
25 alition in each State, the District of Columbia, the Com-

1 monwealth of Puerto Rico, and the combined United  
 2 States Territories shall receive an amount equal to  $\frac{1}{53}$   
 3 of the amount appropriated under this section for each  
 4 fiscal year. For purposes of this section, the term ‘com-  
 5 bined United States Territories’ means Guam, American  
 6 Samoa, the United States Virgin Islands, the Northern  
 7 Mariana Islands, and the Trust Territory of the Pacific  
 8 Islands and said combined United States Territories shall  
 9 not receive less than 1.5 percent of the funds appropriated  
 10 for each fiscal year.”.

## 11       **Subtitle B—National Domestic** 12                   **Violence Hotline**

### 13 **SEC. 111. REAUTHORIZATION.**

14       Section 316(f)(1) of the Family Violence Prevention  
 15 and Services Act (42 U.S.C. 10416(f)(1)) is amended to  
 16 read as follows:

17               “(1) IN GENERAL.—There are authorized to be  
 18       appropriated to carry out the purposes of this sec-  
 19       tion—

20                       “(A) \$1,600,000 for fiscal year 1999;

21                       “(B) \$1,800,000 for fiscal year 2000;

22                       “(C) \$2,000,000 for fiscal year 2001;

23                       “(D) \$2,000,000 for fiscal year 2002; and

24                       “(E) \$2,000,000 for fiscal year 2003.”.

1 **SEC. 112. TECHNICAL AMENDMENTS.**

2 Section 316 of the Family Violence Prevention and  
3 Services Act (42 U.S.C. 10416) is amended by redesignat-  
4 ing subsection (f) (as modified herein) as subsection (g)  
5 and by inserting after subsection (e) the following new  
6 subsection:

7 “(f) Within 90 days after the date of the enactment  
8 of this subtitle, all entities receiving funds pursuant to ac-  
9 tivities under 42 U.S.C. 10416(a) shall prepare and sub-  
10 mit a report to the Secretary that evaluates the effective-  
11 ness of the use of amounts received under such grants by  
12 such grantee and containing such other information as the  
13 Secretary may prescribe. The Secretary shall publish any  
14 such reports and provide at least 90 days for notice and  
15 opportunity for public comment prior to awarding or re-  
16 newing any such grants.

17 **Subtitle C—Battered Women’s**  
18 **Shelters and Services**

19 **SEC. 121. SHORT TITLE.**

20 This subtitle may be cited as the “Battered Women’s  
21 Shelters and Services Act”.

22 **SEC. 122. AUTHORIZATION OF APPROPRIATIONS FOR FAM-**  
23 **ILY VIOLENCE PREVENTION AND SERVICES.**

24 Section 310(a) of the Family Violence Prevention and  
25 Services Act (42 U.S.C. 10409(a)) is amended to read as  
26 follows:



1       “(a) IN GENERAL.—There are authorized to be ap-  
2       propriated to carry out this title—

3               “(1) \$120,000,000 for fiscal year 1999;

4               “(2) \$160,000,000 for fiscal year 2000;

5               “(3) \$200,000,000 for fiscal year 2001;

6               “(4) \$260,000,000 for fiscal year 2002; and

7               “(5) \$260,000,000 for fiscal year 2003.”.

8       **SEC. 123. FVPSA IMPROVEMENTS.**

9       (a) Section 304(a) of the Family Violence Prevention  
10      and Services Act (42 U.S.C. 10403(a)) is amended—

11              (1) by inserting after “grant authorized under  
12      section 10402(a) of this title” the following:

13              “\$500,000, with the remaining funds to be allotted  
14      to each State in”;

15              (2) by striking paragraph (1) and redesignating  
16      paragraph (2) as paragraph (1);

17              (3) by striking all after paragraph (2).

18      (b) Section 304(d) of the Family Violence Prevention  
19      and Services Act (42 U.S.C. 10403(d)) is amended—

20              (1) by inserting after “to such State in grants  
21      under section 10402(a)” the following: “or Indian

22      tribe or tribal organization under section 10402(b)”;

23              (2) by inserting after “failure of such State”  
24      the following: “or Indian tribe or tribal organization,

25      or other entity”;

1           (3) by inserting after “such amount to States”  
2           the following: “or Indian tribes or tribal organiza-  
3           tions”;

4           (4) by inserting after “which meet such require-  
5           ments” the following: “proportionate to the original  
6           allocation made under section 10402(a) or (b), re-  
7           spectively”; and

8           (5) by redesignating paragraph (2) as para-  
9           graph (3) and adding a new paragraph (2) after  
10          paragraph (1) to read as follows:

11          “(2) If, at the end of the sixth month of any  
12          fiscal year for which sums are appropriated under  
13          section 10409 of this title, the amount allotted to an  
14          entity has not been made available to such entity in  
15          grants under sections 10407 and 10410 of this title  
16          because of the failure of such entity to meet the re-  
17          quirements for a grant or because the limitation on  
18          expenditure has been reached, then the Secretary  
19          shall reallocate such amount to States and Indian tribes  
20          and tribal organizations that meet such require-  
21          ments proportionate to the original allocation under  
22          section 10402(a) or (b), respectively.”

23          (c) Section 308(a)(2) of the Family Violence Preven-  
24          tion and Services Act (42 U.S.C. 10407(a)(2)) is amended  
25          by adding “on providing training and technical assistance”

1 after “focusing”, and by adding at the end the following:  
2 “The Secretary may award grants to nonprofit, non-  
3 governmental organizations for technical assistance and  
4 training initiatives on the subjects identified in subsection  
5 (c), provided such initiatives do not duplicate the work of  
6 the entities funded under subsection (c) and provided that  
7 total amounts awarded for such initiatives do not exceed  
8 \$500,000.”

9 (d) Section 308(c) of the Family Violence Prevention  
10 and Services Act (42 U.S.C. 10407(c)) is amended by add-  
11 ing “on emerging issues in domestic violence service, pre-  
12 vention, or law and” after “service providers, and”, delet-  
13 ing “domestic violence service, prevention, or law” after  
14 “following areas”, and by adding new paragraphs (8), (9),  
15 and (10) as follows:

16 “(8) Providing technical assistance and training  
17 to local domestic violence programs that provide  
18 shelter or related assistance.

19 “(9) Improving access to services, information,  
20 and training within Indian tribes and tribal organi-  
21 zations.

22 “(10) Responding to emerging issues in the  
23 field of domestic violence that the Secretary may  
24 identify in consultation with advocates representing  
25 local programs providing shelter or related assist-

1       ance, State domestic violence coalitions, and national  
2       domestic violence organizations.”

3       (e) Section 308(c) of the Family Violence Prevention  
4       and Services Act (42 U.S.C. 10407(c)) is amended by add-  
5       ing a new paragraph after new paragraph (10) as follows:  
6       “Nothing in this section shall prohibit the Secretary from  
7       making multiple grants to any nonprofit, nongovernmental  
8       entity to fulfill the purposes of this section.”

9       (f) Section 310(c) of the Family Violence Prevention  
10      and Services Act (42 U.S.C. 10409(c)) is amended by add-  
11      ing after “for each fiscal year,” and before “5 percent  
12      shall” the following: “the lesser of \$7,500,000 or”.

13      (g) Section 310(d) of the Family Violence Prevention  
14      and Services Act (42 U.S.C. 10409(d)) is amended by  
15      striking “not less than” and inserting “the lesser of  
16      \$22,000,000 or” and by adding at the end the following:  
17      “At such time as the appropriation under this subsection  
18      exceeds \$11,000,000, the Secretary shall designate that  
19      of the amounts appropriated under this subsection up to  
20      20 percent of such funds shall be made available in the  
21      amounts necessary to State domestic violence coalitions  
22      for the specific purpose of providing technical assistance,  
23      training and direct assistance in the following areas or  
24      other priorities that may be determined by the Secretary

1 in consultation with State domestic violence coalitions and  
2 programs that provide shelter or related assistance.

3 (1) MODEL LEADERSHIP GRANTS FOR DOMES-  
4 TIC VIOLENCE INTERVENTION IN UNDERSERVED  
5 COMMUNITIES.—The Secretary shall award grants of  
6 up to 3 years to not more than 10 State domestic  
7 violence coalitions and not more than 10 local do-  
8 mestic violence programs providing shelter or related  
9 assistance to develop model strategies to address do-  
10 mestic violence in underserved populations as de-  
11 fined in 42 U.S.C. 3796gg–2(7). Such grants shall  
12 be made to assess the needs of underserved popu-  
13 lations in the State; build collaborative relationships  
14 with community-based organizations serving under-  
15 served populations; and develop and implement  
16 model community intervention strategies to decrease  
17 the incidence of domestic violence in underserved  
18 populations.

19 (A) ELIGIBILITY.—To be eligible for a 1-  
20 year model leadership grant under this para-  
21 graph, an applicant shall demonstrate—

22 (i) a plan for assessing the needs of  
23 underserved populations and identifying a  
24 specific population for development of an

1 intervention strategy in year 1 of the  
2 grant; and

3 (ii) inclusion of representatives from  
4 community-based organizations in under-  
5 served communities in planning, designing,  
6 and disseminating the needs assessment  
7 instruments.

8 (B) ELIGIBILITY FOR CONTINUED FUND-  
9 ING.—To be eligible for continued funding of  
10 up to 2 additional years, an applicant shall pro-  
11 vide—

12 (i) a plan for implementing the model  
13 strategies which includes collaborative  
14 partnerships with community-based organi-  
15 zations within the underserved populations  
16 identified; and

17 (ii) a plan for disseminating the model  
18 strategy throughout the State or to other  
19 States during year 3 of the grant.

20 (C) PRIORITY FOR COLLABORATIVE FUND-  
21 ING.—In awarding grants under this section,  
22 the Secretary shall give preference to State do-  
23 mestic violence coalitions and local domestic vio-  
24 lence shelters and programs that submit appli-  
25 cations in collaboration with community-based

1 organizations serving underserved populations.  
2 A grant may not be made under this subsection  
3 in an amount less than \$100,000 for each fiscal  
4 year.

5 (2) DIRECT EMERGENCY ASSISTANCE TO VIC-  
6 TIMS OF DOMESTIC VIOLENCE.—The Secretary shall  
7 award grants to each State domestic violence coal-  
8 tion for the purpose of administering an emergency  
9 assistance fund for victims of domestic violence.  
10 Funds received under this paragraph may be used  
11 only to provide emergency assistance directly to vic-  
12 tims of domestic violence who are in the process of  
13 fleeing an abusive situation. Emergency assistance  
14 shall include transportation, housing, and other ex-  
15 penses associated with relocation. Funds shall be re-  
16 quested by domestic violence shelters and programs  
17 on behalf of victims.

18 (A) APPLICATION.—Prior to receipt of  
19 emergency assistance funds under this section,  
20 the State domestic violence coalition shall pro-  
21 vide to the Secretary—

22 (i) a detailed description of the proc-  
23 ess for receiving and reviewing applications  
24 for emergency assistance;

1                   (ii) a detailed description of the proc-  
2                   ess for notifying domestic violence shelters  
3                   and programs about the availability of  
4                   emergency assistance funds;

5                   (iii) an application form that includes  
6                   the type of assistance requested, a state-  
7                   ment of need for the funds, a statement  
8                   about the impact of the funds on the vic-  
9                   tim's ability to escape domestic violence,  
10                  and other such information that would be  
11                  helpful in disbursing emergency assistance  
12                  funds;

13                  (iv) the process used to make pay-  
14                  ments to recipients; and

15                  (v) a statement of procedures used to  
16                  protect the confidentiality of recipients.

17                  (B) REPORTING.—The State domestic vio-  
18                  lence coalition shall file an annual report to the  
19                  Secretary describing the distribution of funds to  
20                  victims of domestic violence by type and  
21                  amount of assistance provided. For reasons of  
22                  safety and confidentiality, such report shall not  
23                  contain individually identifying information.

24                  (3) TECHNICAL ASSISTANCE AND TRAINING  
25                  FOR STATE AND LOCAL DOMESTIC VIOLENCE PRO-



1 GRAMS.—The Secretary shall award grants to a  
2 State domestic violence coalition or coalitions for the  
3 purpose of providing training and technical assist-  
4 ance for State domestic violence coalitions and other  
5 nonprofit, nongovernmental State and local domestic  
6 violence programs. Funds received under this section  
7 shall be used to conduct regional training and tech-  
8 nical assistance initiatives to be developed and im-  
9 plemented by a nonprofit, nongovernmental State  
10 domestic violence coalition or coalitions within each  
11 of the regions administered by the Department of  
12 Health and Human Services. Funds shall be used to  
13 prioritize, plan, and implement solutions to regional  
14 problems experienced by domestic violence coalitions  
15 and programs providing shelter or related assistance  
16 within the region.

17 (A) ELIGIBILITY.—To be eligible for fund-  
18 ing the grantee shall have the support of the  
19 majority of State domestic violence coalitions  
20 within the region and shall have its principal  
21 place of operation within the region. Nothing in  
22 this section shall prohibit domestic violence pro-  
23 grams within Indian tribes from receiving tech-  
24 nical assistance and training under this grant  
25 program. Grantees shall be encouraged to work

1 in collaboration with domestic violence advo-  
2 cates and organizations outside of the region  
3 and with the national resource center and spe-  
4 cial issue resource centers established in this  
5 Act to provide expertise in delivering training  
6 and technical assistance within the region.

7 (B) REPORTING.—The grantee State do-  
8 mestic violence coalition or coalitions shall file  
9 an annual report to the Secretary describing  
10 the recipients and the type of technical assist-  
11 ance and training received.

12 (h) Section 308(e) of the Family Violence Prevention  
13 and Services Act (42 U.S.C. 10407(e)) is amended by add-  
14 ing at the end the following: “Within 90 days after the  
15 date of the enactment of this subtitle, all entities receiving  
16 funds pursuant to activities under 42 U.S.C. 10407(a)  
17 shall prepare and submit a report to the Secretary that  
18 evaluates the effectiveness of the use of amounts received  
19 under such grants by such grantee and containing such  
20 other information as the Secretary may prescribe. The  
21 Secretary shall publish any such reports and provide at  
22 least 90 days for notice and opportunity for public com-  
23 ment prior to awarding or renewing any such grants.”.

1 (i) Section 307(a) of the Family Violence Prevention  
 2 and Services Act (42 U.S.C. 10402(a)) is amended by  
 3 adding at the end the following:

4 “(3) The Secretary shall deny any application that  
 5 fails to provide documentation, including memoranda of  
 6 understanding, of the specific involvement of the State do-  
 7 mestic violence coalition and other knowledgeable individ-  
 8 uals and interested organizations, in the development of  
 9 the State’s application.”.

## 10 **Subtitle D—Community Initiatives**

### 11 **SEC. 131. GRANTS FOR COMMUNITY INITIATIVES.**

12 (a) Section 318(h) of the Family Violence Prevention  
 13 and Services Act (42 U.S.C. 10418(h)) is amended to read  
 14 as follows:

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 16 are authorized to be appropriated to carry out this sec-  
 17 tion—

18 “(1) \$8,000,000 for fiscal year 1999;

19 “(2) \$9,000,000 for fiscal year 2000;

20 “(3) \$10,000,000 for fiscal year 2001;

21 “(4) \$11,000,000 for fiscal year 2002; and

22 “(5) \$12,000,000 for fiscal year 2003.”.

23 (b) Section 318(I) of the Family Violence Prevention  
 24 and Services Act (42 U.S.C. 10418(I)) is amended—

1           (1) by inserting “(1)” after “REGULA-  
2       TIONS.—”;

3           (2) by striking the period at the end of sub-  
4       section (i)(1) (as so redesignated) and inserting  
5       “; and”; and

6           (3) by inserting after subsection (i)(1) (as so  
7       redesignated) the following:

8           “(2) The Secretary shall annually compile and  
9       broadly disseminate (including through electronic  
10      publication) information about the use of funds and  
11      about the projects funded under this subtitle, includ-  
12      ing any evaluations of the projects and information  
13      to enable replication and adoption of the strategies  
14      identified in the projects. Such dissemination shall  
15      target other community-based programs, including  
16      domestic violence and sexual assault programs.”

17 **Subtitle E—Education and Train-**  
18 **ing for Judges and Court Per-**  
19 **sonnel**

20 **SEC. 141. REAUTHORIZATION.**

21       (a) GRANTS FOR EDUCATION AND TRAINING FOR  
22 JUDGES AND COURT PERSONNEL IN STATE COURTS.—

23 (1) Section 40412 of the Equal Justice for Women in the  
24 Courts Act of 1994 (42 U.S.C. 13992) is amended—

1 (A) by striking “and” at the end of paragraph  
2 (18);

3 (B) by striking the period at the end of para-  
4 graph (19); and

5 (C) by inserting after paragraph (19) the fol-  
6 lowing:

7 “(20) the issues raised by domestic violence in  
8 determining custody and visitation, including how to  
9 protect the safety of the child and of a parent who  
10 is not a predominant aggressor of domestic violence,  
11 the legitimate reasons parents may report domestic  
12 violence, the ways domestic violence may relate to an  
13 abuser’s desire to seek custody, and evaluating ex-  
14 pert testimony in custody and visitation determina-  
15 tions involving domestic violence;

16 “(21) the issues raised by child sexual assault  
17 in determining custody and visitation, including how  
18 to protect the safety of the child, the legitimate rea-  
19 sons parents may report child sexual assault, and  
20 evaluating expert testimony in custody and visitation  
21 determinations involving child sexual assault, includ-  
22 ing the current scientifically-accepted and empiri-  
23 cally valid research on child sexual assault; and

1 “(22) the extent to which addressing domestic  
2 violence and victim safety contributes to the efficient  
3 administration of justice.”.

4 (2) Section 40414(a) of the Equal Justice for Women  
5 in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amend-  
6 ed by inserting “and \$1,500,000 for each of the fiscal  
7 years 1999 through 2003” after “1996”.

8 (b) GRANTS FOR EDUCATION AND TRAINING FOR  
9 JUDGES AND COURT PERSONNEL IN FEDERAL  
10 COURTS.—(1) Section 40421(d) of the Equal Justice for  
11 Women in the Courts Act of 1994 (42 U.S.C. 14001(d))  
12 is amended to read as follows:

13 “(d) MODEL PROGRAMS.—The Federal Judicial Cen-  
14 ter, in carrying out section 620(b)(3) of title 28, United  
15 States Code, shall include in the educational programs it  
16 prepares, including the training programs for newly ap-  
17 pointed judges, information on the aspects of the topics  
18 listed in section 40412 (42 U.S.C. 13992) that pertain  
19 to issues within the jurisdiction of the Federal courts, and  
20 shall prepare materials necessary to implement this sub-  
21 section.”.

22 (2) Section 40422(2) of the Equal Justice for Women  
23 in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amend-  
24 ed by inserting “and \$500,000 for each of the fiscal years  
25 1999 through 2003” after “1996”.

1       (c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT.—

3           (1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS.—  
4       Section 40413 of the Equal Justice for Women in  
5       the Courts Act (42 U.S.C. 13993) is amended by  
6       adding the words “, including national, State, and  
7       local domestic violence and sexual assault programs  
8       and coalitions” after “victim advocates.”

10          (2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Sec-  
11       tion 40411 of the Equal Justice for Women in the  
12       Courts Act (42 U.S.C. 13991) is amended by adding  
13       at the end the following: “Nothing shall preclude the  
14       attendance of tribal judges and court personnel at  
15       programs funded under this section for use by  
16       States in training judges and court personnel on the  
17       laws of the States.”

19          (3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS.—Section 40414 of the Equal  
20       Justice for Women in the Courts Act (42 U.S.C.  
21       13994) is amended by adding at the end the follow-  
22       ing:  
23       

24       “(c) The State Justice Institute may use up to 5 per-  
25       cent of the funds appropriated under this section for annu-

1 ally compiling and broadly disseminating (including  
 2 through electronic publication) information about the use  
 3 of funds and about the projects funded under this section,  
 4 including any evaluations of the projects and information  
 5 to enable the replication and adoption of the projects.”

## 6 **Subtitle F—Grants To Encourage** 7 **Arrest Policies**

### 8 **SEC. 151. DEFINITIONS.**

9 Section 2105(1) of the Omnibus Crime Control and  
 10 Safe Streets Act of 1968 (42 U.S.C. 3796hh–4(1)) is  
 11 amended to read as follows:

12 “(1) the term ‘domestic violence’ includes acts  
 13 or threats of violence, not including acts of self-de-  
 14 fense, committed by a current or former spouse of  
 15 the victim, by a person with whom the victim shares  
 16 a child in common, by a person who is cohabitating  
 17 with or has cohabitated with the victim, by a person  
 18 who is or has been in a continuing social relationship  
 19 of a romantic or intimate nature with the victim, by  
 20 a person similarly situated to a spouse of the victim  
 21 under the domestic or family violence laws of the ju-  
 22 risdiction, or by any other person against a victim  
 23 who is protected from that person’s acts under the  
 24 domestic or family violence laws of the jurisdiction.”.



1 **SEC. 152. REAUTHORIZATION.**

2 Section 1001(a)(19) of the Omnibus Crime Control  
3 and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is  
4 amended—

5 (1) by striking “and” at the end of subpara-  
6 graph (B);

7 (2) by striking the period at the end of sub-  
8 paragraph (C) and inserting a semicolon; and

9 (3) by inserting after subparagraph (C) the fol-  
10 lowing:

11 “(D) \$63,000,000 for fiscal year 1999;

12 “(E) \$67,000,000 for fiscal year 2000;

13 “(F) \$70,000,000 for fiscal year 2001;

14 “(G) \$70,000,000 for fiscal year 2002; and

15 “(H) \$70,000,000 for fiscal year 2003.”.

16 **SEC. 153. TECHNICAL AMENDMENT.**

17 Section 2101 of the Omnibus Crime Control and Safe  
18 Streets Act of 1968 (42 U.S.C. 3796hh) is amended by  
19 adding the following:

20 “(d) DISBURSEMENT.—At least 5 percent of the  
21 funds appropriated under this section shall be used for  
22 grants to Indian tribal governments.”.

1 **Subtitle G—Rural Domestic Vio-**  
2 **lence and Child Abuse Enforce-**  
3 **ment**

4 **SEC. 161. REAUTHORIZATION.**

5 Section 40295(c)(1) of the Safe Homes for Women  
6 Act of 1994 (12 U.S.C. 13971(c)(1)) is amended—

7 (1) by striking “and” at the end of subpara-  
8 graph (B);

9 (2) by striking the period at the end of sub-  
10 paragraph (C) and inserting “; and”; and

11 (3) by inserting after subparagraph (C) the fol-  
12 lowing:

13 “(D) \$35,000,000 for each of the fiscal  
14 years 1999, 2000, 2001, 2002, and 2003.”.

15 **SEC. 162. TECHNICAL AMENDMENTS.**

16 Section 40295(c) of the Safe Homes for Women Act  
17 of 1994 (12 U.S.C. 13971(c)) is amended by adding the  
18 following:

19 “(3) DISBURSEMENT.—At least 5 percent of  
20 the funds appropriated under this subtitle shall be  
21 used for grants to Indian tribal governments.”.

## 1     **Subtitle H—National Stalker and** 2     **Domestic Violence Reduction**

### 3     **SEC. 171. TECHNICAL AMENDMENTS.**

4         Section 40602(a) of the Safe Homes for Women Act  
5     of 1994 (42 U.S.C. 14031(a)) is amended by inserting  
6     “and implement” after “improve”.

### 7     **SEC. 172. REAUTHORIZATION.**

8         Section 40603 of the Safe Homes for Women Act of  
9     1994 (42 U.S.C. 14032) is amended—

10             (1) by striking “and” at the end of paragraph

11             (2);

12             (2) by striking the period at the end of para-  
13     graph (3) and inserting “; and”; and

14             (3) by inserting after paragraph (3) the follow-  
15     ing:

16             “(4) \$3,000,000 for each of the fiscal years  
17     1999, 2000, 2001, 2002, and 2003.”

## 18     **Subtitle I—Federal Victims’** 19     **Counselors**

### 20     **SEC. 181. REAUTHORIZATION.**

21         Section 40114 of the Safe Streets for Women Act of  
22     1994 is amended to read as follows: “There are authorized  
23     to be appropriated for the United States Attorneys for the  
24     purpose of appointing Victim/Witness Counselors for the  
25     prosecution of domestic violence and sexual assault crimes

1 where applicable (such as the District of Columbia)  
2 \$1,000,000 for each of the fiscal years 1999, 2000, 2001,  
3 2002, and 2003.”

4 **Subtitle J—Education and Preven-**  
5 **tion Grants To Reduce Sexual**  
6 **Abuse of Runaway, Homeless,**  
7 **and Street Youth**

8 **SEC. 191. REAUTHORIZATION.**

9 Section 316(c) of part A of the Runaway and Home-  
10 less Youth Act (42 U.S.C. 5712d(c)) is amended—

11 (1) by striking “and” at the end of paragraph

12 (2);

13 (2) by striking the period at the end of para-  
14 graph (3) and inserting a semicolon; and

15 (3) by inserting after paragraph (3) the follow-  
16 ing:

17 “(4) \$22,000,000 for each of the fiscal years  
18 1999, 2000, 2001, 2002, and 2003.”

19 **SEC. 192. DISSEMINATION OF INFORMATION.**

20 Section 316 of part A of the Runaway and Homeless  
21 Youth Act (42 U.S.C. 5712d) is amended by redesignating  
22 subsection (d) as subsection (e) and by inserting the fol-  
23 lowing new subsection:

24 “(d) The Secretary shall annually compile and broad-  
25 ly disseminate (including through electronic publication)

1 information about the use of funds and about the projects  
 2 funded under this subtitle, including any evaluations of  
 3 the projects and information to enable replication and  
 4 adoption of the strategies identified in the projects. Such  
 5 dissemination shall target community-based programs, in-  
 6 cluding domestic violence and sexual assault programs.”

## 7 **Subtitle K—Victims of Child Abuse** 8 **Programs**

### 9 **SEC. 191-1. REAUTHORIZATION OF COURT-APPOINTED SPE-** 10 **CIAL ADVOCATE PROGRAM.**

11 Section 218(a) of the Victims of Child Abuse Act of  
 12 1990 (42 U.S.C. 13014(a)) is amended—

13 (1) by striking “and” at the end of paragraph  
 14 (4);

15 (2) by striking the period at the end of para-  
 16 graph (5) and inserting a semicolon; and

17 (3) by inserting after paragraph (5) the follow-  
 18 ing:

19 “(6) \$12,000,000 for each of the fiscal years  
 20 2001, 2002, and 2003.”

### 21 **SEC. 191-2. REAUTHORIZATION OF CHILD ABUSE TRAINING** 22 **PROGRAMS FOR JUDICIAL PERSONNEL AND** 23 **PRACTITIONERS.**

24 Section 224(a) of the Victims of Child Abuse Act of  
 25 1990 (42 U.S.C. 13024(a)) is amended—

1 (1) by striking “and” at the end of paragraph  
2 (4);

3 (2) by striking the period at the end of para-  
4 graph (5) and inserting a semicolon; and

5 (3) by inserting after paragraph (5) the follow-  
6 ing:

7 “(6) \$2,300,000 for each of the fiscal years  
8 2001, 2002, and 2003.”

9 **SEC. 191-3. REAUTHORIZATION OF GRANTS FOR TELE-**  
10 **vised TESTIMONY.**

11 Section 1001(a)(7) of title I of the Omnibus Crime  
12 Control and Safe Streets Act of 1968 (42 U.S.C.  
13 3793(a)(7)) is amended—

14 (1) by striking “and” at the end of subpara-  
15 graph (D);

16 (2) by striking the period at the end of sub-  
17 paragraph (E) and inserting a semicolon; and

18 (3) by inserting after subparagraph (E) the fol-  
19 lowing:

20 “(F) \$1,000,000 for each of the fiscal  
21 years 2001, 2002, and 2003.”

22 **SEC. 191-4. DISSEMINATION OF INFORMATION.**

23 Section 40156 of the Violence Against Women Act  
24 of 1994 is amended by redesignating subsection (d) as  
25 subsection (e) and by adding the following new subsection:

1 “(d) The Attorney General shall annually compile  
2 and broadly disseminate (including through electronic  
3 publication) information about the use of funds and about  
4 the projects funded under this section, including any eval-  
5 uations of the projects and information to enable replica-  
6 tion and adoption of the strategies identified in the  
7 projects. Such dissemination shall target community-based  
8 programs, including domestic violence and sexual assault  
9 programs.”

10 **TITLE II—LIMITING THE EF-**  
11 **FECTS OF VIOLENCE ON**  
12 **CHILDREN**

13 **SEC. 201. FINDINGS.**

14 Congress finds as follows:

15 (1) Witnessing domestic violence has a dev-  
16 astating impact on children, placing them at high  
17 risk for anxiety, depression, and, potentially, suicide.  
18 These children may exhibit more aggressive, anti-  
19 social, fearful, and inhibited behaviors.

20 (2) Children exposed to domestic violence often  
21 have problems in school.

22 (3) Domestic violence is strongly correlated  
23 with child abuse. Studies have found that between  
24 50 and 70 percent of men who abuse their female  
25 partners also abuse their children.

1           (4) Boys who witness parental abuse during  
2           their childhood are at a higher risk of being phys-  
3           ically aggressive in dating and marital relationships.

4           (5) Girls are 3 times as likely as boys to be vic-  
5           tims of sexual abuse.

6           (6) Children often fail to report child sexual  
7           abuse because of the fear that disclosure will bring  
8           worse consequences than being victimized again, in-  
9           cluding consequences from the family, feeling guilty  
10          for consequences to the perpetrator, and fear of sub-  
11          sequent retaliation from the perpetrator. Victims  
12          may also feel that the abuse is their fault.

13          (7) Women are at an increased risk of harm  
14          after separation from an abusive partner. Separated  
15          women are three times more likely than divorced  
16          women and 25 times more likely than married  
17          women to be victims of violence at the hands of an  
18          intimate partner.

19          (8) Children are also at increased risk of harm  
20          during separation. In 1 study, 34 percent of women  
21          in shelters and callers to hotlines reported threats of  
22          kidnapping, 11 percent reported that the batterer  
23          had kidnapped the child for some period, and 21  
24          percent reported that threats of kidnapping forced  
25          the victim to return to the batterer.



1           (9) According to a 1996 report by the American  
2       Psychological Association (APA), which Congress  
3       views as authoritative on matters of domestic vio-  
4       lence and child custody and visitation determina-  
5       tions, custody and visitation disputes are more fre-  
6       quent when there is a history of domestic violence.  
7       Further, fathers who batter mothers are twice as  
8       likely to seek sole custody of their children and they  
9       may misuse the legal system as a forum for continu-  
10      ing abuse through harassing and retaliatory legal ac-  
11      tions.

12          (10) The need for supervised visitation centers  
13      far exceeds the number of available programs, re-  
14      sulting in courts ordering unsupervised visitation  
15      and endangering parents and children or cutting off  
16      visitation altogether.

17          (11) One-third of high school and college age  
18      students experience violence with an intimate part-  
19      ner.

20          (12) A 1992 study concluded that being abused  
21      or neglected in childhood increases the likelihood of  
22      arrest for girls and women by 77 percent.

23          (13) Although courts should diligently protect  
24      the interests of both parents in frequent and con-  
25      tinuing contact with their children, in the case where

1       1 parent has committed domestic violence against  
2       the other parent, protection of the other parent and  
3       the children is a vital consideration that should take  
4       precedence.

5           (14) Every State has legislation or judicial deci-  
6       sions that base its custody determinations on what  
7       is in the best interests of the child, and the vast ma-  
8       jority of States include considerations of domestic vi-  
9       olence as a factor in determining the best interests  
10      of the child.

11          (15) The National Council of Juvenile and  
12      Family Court Judges includes the option of super-  
13      vised visitation centers in their Model Code on Do-  
14      mestic and Family Violence.

15          (16) Despite the perception that mothers al-  
16      ways win custody cases, studies show that fathers  
17      who contest custody win sole or joint custody in 40  
18      to 70 percent of cases.

19          (17) According to the APA, there is no reliable  
20      empirical data to support the so-called phenomenon  
21      of “parental alienation syndrome,” although courts  
22      and custody evaluators frequently use such terms to  
23      discount children’s reasonable fear and anger toward  
24      a violent parent. This “syndrome” and similar ones  
25      are used almost exclusively against women.

1           (18) The documented rate of any child abuse  
2       allegations in custody cases is approximately 2 per-  
3       cent, and there is no evidence that false accusations  
4       are more common in the context of custody litiga-  
5       tion.

6           (19) Congress never intended that the Parental  
7       Kidnapping Prevention Act be used to prohibit an  
8       abused or protective parent from protecting them-  
9       selves or their child by relocation to a place of safe-  
10      ty.

11          (20) When domestic violence is or has been  
12      present in the relationship, shared parenting ar-  
13      rangements, couples counseling, or mediation ar-  
14      rangements may increase the danger to children and  
15      to the nonviolent parent.

16           **Subtitle A—Safe Havens for**  
17           **Children**

18      **SEC. 211. PURPOSES.**

19      The purposes of section 212 are—

20           (1) to provide secure locations for visitation and  
21      visitation exchange;

22           (2) to protect children from the trauma of wit-  
23      nessing domestic violence, or experiencing abduction,  
24      injury, or death during parent and child visitation or  
25      visitation exchanges;

1           (3) to protect victims of domestic violence from  
2           experiencing further violence, abuse, and threats  
3           during child visitation or visitation exchanges;

4           (4) to protect children from the trauma of experi-  
5           encing sexual assault or other forms of physical as-  
6           sault and abuse during parent and child visitation or  
7           visitation exchanges; and

8           (5) to provide an ongoing safe haven for par-  
9           ents and children during visitation or visitation ex-  
10          changes to promote continuity and stability.

11 **SEC. 212. GRANTS TO PROVIDE FOR SUPERVISED VISITA-**  
12 **TION CENTERS.**

13          (a) GRANTS.—The Attorney General is authorized to  
14          award grants to public or private nonprofit nongovern-  
15          mental entities, including tribally chartered organizations  
16          and nonprofit organizations operating within the bound-  
17          aries of an Indian reservation whose governing body re-  
18          flects the populations served, to assist such entities in es-  
19          tablishing and operating supervised visitation centers for  
20          the purposes of facilitating supervised visitation and visi-  
21          tation exchange. At least 50 percent of all grants awarded  
22          shall be for contracts and cooperative agreements with pri-  
23          vate nonprofit, nongovernmental entities, including enti-  
24          ties receiving court referrals.

1 (b) CONSIDERATIONS.—In awarding such grants,  
2 contracts, and cooperative agreements under paragraph  
3 (1), the Attorney General shall take into account—

4 (1) the number of families to be served by the  
5 proposed visitation center to be established under  
6 the grant, contract, or agreement;

7 (2) the extent to which supervised visitation  
8 centers serve underserved populations as that term  
9 is defined in section 2003(7) of the Omnibus Crime  
10 Control and Safe Streets Act of 1968 (42 U.S.C.  
11 3796gg–2(7)), as amended by title VI of this Act;

12 (3) the extent to which the applicant dem-  
13 onstrates cooperation and collaboration with non-  
14 profit, nongovernmental entities in the local commu-  
15 nity served, including the State domestic violence  
16 and sexual assault coalitions, local shelters and pro-  
17 grams for domestic violence victims, including pro-  
18 grams providing legal assistance to domestic violence  
19 victims and rape crisis centers;

20 (4) the extent to which the applicant dem-  
21 onstrates coordination and collaboration with State  
22 and local court systems, including mechanisms for  
23 communication and referral; and

1           (5) the extent to which the applicant dem-  
2       onstrates implementation of domestic violence and  
3       sexual assault training for all employees.

4       (c) USE OF FUNDS.—

5           (1) IN GENERAL.—Amounts provided under a  
6       grant, contract, or cooperative agreement awarded  
7       under this subsection shall be used to establish su-  
8       pervised visitation centers and for the purposes de-  
9       scribed in section 1(b). In using such amounts,  
10      grantees and persons awarded a contract or coopera-  
11      tive agreement shall target the economically dis-  
12      advantaged and those individuals who could not oth-  
13      erwise afford such visitation services. Individuals  
14      shall be permitted to use the services provided by  
15      the center on a sliding fee basis. For purposes of de-  
16      termining qualification for sliding scale fees, only the  
17      individual income will be considered and no spousal  
18      or household income will be counted.

19          (2) REGULATIONS AND APPLICANT REQUIRE-  
20      MENTS.—The Attorney General shall award grants,  
21      contracts, and cooperative agreements under this  
22      section in accordance with such regulations as the  
23      Attorney General may promulgate. The regulations  
24      shall establish a multi-year grant process. The At-  
25      torney General shall give priority in awarding

1 grants, contracts, and cooperative agreements under  
2 this title to entities in States that consider domestic  
3 violence in making a custody decision. An applicant  
4 awarded such a grant, contract, or cooperative  
5 agreement shall—

6 (A) for applicants under section 201(b)(1)  
7 or (2)—

8 (i) demonstrate recognized expertise  
9 in the area of domestic violence, including  
10 addressing the impact of domestic violence  
11 on children, and a record of high quality  
12 service to victims of domestic violence; and

13 (ii) demonstrate through a memoran-  
14 dum of understanding collaboration with  
15 and support of the State domestic violence  
16 coalition and local domestic violence shelter  
17 or program in the locality in which the su-  
18 pervised visitation center will be operated;

19 (B) for applicants under section  
20 201(b)(3)—

21 (i) demonstrate recognized expertise  
22 in the area of child sexual assault and  
23 abuse and a record of high quality service  
24 to victims of sexual assault; and

1 (ii) demonstrate through a memoran-  
2 dum of understanding collaboration with  
3 and support of the State sexual assault co-  
4 alition and local rape crisis center or sex-  
5 ual assault program in the locality where  
6 the supervised visitation center will be op-  
7 erated;

8 (C) provide supervised visitation and visi-  
9 tation exchange services over the duration of a  
10 court order to promote continuity and stability;

11 (D) demonstrate that adequate security  
12 measures, including adequate facilities, proce-  
13 dures and personnel capable of preventing vio-  
14 lence, are in place for the operation of super-  
15 vised visitation; and

16 (E) describe in detail the standards by  
17 which the supervised visitation center will oper-  
18 ate.

19 (d) REPORTING.—Not later than 60 days after the  
20 end of each fiscal year, the Attorney General shall report  
21 to Congress, categorized by State, information concern-  
22 ing—

23 (1) the number of individuals including number  
24 of parents and children served and the number of in-  
25 dividuals turned away from services, the number of



1 individuals from underserved populations (as such  
2 term is defined in section 2003(7) of the Omnibus  
3 Crime Control and Safe Streets Act of 1968 (42  
4 U.S.C. 3796gg-2(7))), as amended by title VI of  
5 this Act, served and turned away from services, and  
6 the type of presenting problems that underlie the  
7 need for supervised visitation or visitation exchange,  
8 such as domestic violence, child sexual abuse, emo-  
9 tional abuse or other physical abuse of children, or  
10 a combination of such factors;

11 (2) the numbers of supervised visitations or vis-  
12 itation exchanges ordered during custody determina-  
13 tions under a separation or divorce decree, under a  
14 protection order, through child protection services,  
15 through other social services agencies or by any  
16 other order of a civil, criminal, juvenile, family, or  
17 tribal court;

18 (3) the process by which children or abused  
19 partners are protected during visitations, temporary  
20 custody transfers and other activities for which the  
21 supervised visitation centers are created;

22 (4) safety and security problems occurring dur-  
23 ing the reporting period during supervised visitations  
24 or at visitation centers including the number of pa-  
25 rental abductions;

1           (5) the number of parental abduction cases in  
2           a judicial district using supervised visitation services,  
3           both as identified in criminal prosecution and cus-  
4           tody violations;

5           (6) program standards across the country that  
6           are in place for operating a supervised visitation cen-  
7           ter; and

8           (7) any other appropriate information des-  
9           ignated in regulations promulgated by the Attorney  
10          General.

11         (e) AUTHORIZATION OF APPROPRIATIONS.—

12           (1) IN GENERAL.—For the purpose of awarding  
13           grants, contracts, and cooperative agreements under  
14           this section, there are authorized to be appropriated  
15           \$75,000,000 for fiscal year 1999, \$85,000,000 for  
16           fiscal year 2000, \$95,000,000 for fiscal year 2001,  
17           \$105,000,000 for fiscal year 2002, and  
18           \$115,000,000 for fiscal year 2003.

19           (2) DISTRIBUTION.—Of the amounts appro-  
20           priated under subparagraph (A) for each fiscal year,  
21           not less than 95 percent shall be used to award  
22           grants, contracts, or cooperative agreements. At  
23           least 5 percent of the funds appropriated under this  
24           subtitle shall be used for grants to tribal organiza-  
25           tions.

1 **Subtitle B—Violence Against**  
2 **Women Prevention Among**  
3 **Youth in Schools**

4 **SEC. 221. GRANTS FOR VIOLENCE AGAINST WOMEN PRE-**  
5 **VENTION AMONG YOUTH.**

6 (a) IN GENERAL.—For purposes of this section, the  
7 Secretary of Education shall in consultation with the Sec-  
8 retary of the Department of Health and Human Services,  
9 implement a program to educate young people about vio-  
10 lence against women.

11 (b) USE OF FUNDS.—

12 (1) The Secretary shall make grants to pri-  
13 mary, middle, and secondary schools to develop,  
14 adopt, implement, and disseminate educational cur-  
15 ricula and materials on violence against women, in-  
16 cluding training for school personnel. Such curricula  
17 and materials should be developed, adopted, imple-  
18 mented, and disseminated in consultation and col-  
19 laboration with experts on violence against women  
20 and girls from the educational, legal, cultural com-  
21 petence, youth and victim advocacy fields, such as  
22 domestic violence shelters, domestic violence pro-  
23 grams, and State domestic violence coalitions, State  
24 sexual assault coalitions and rape crisis centers and  
25 community-based youth organizations. Priority shall

1 be given to initiatives that address particularly the  
2 needs of underserved communities that may be re-  
3 cipients of the curricula and materials and training.

4 (2) The Secretary shall disseminate any exist-  
5 ing Department of Education policy guidance re-  
6 garding preventing and remedying violence against  
7 women in schools.

8 (3) The Secretary shall study and report to  
9 Congress recommendations regarding policies for  
10 primary, middle, and secondary schools in screening  
11 and referring children for services when children  
12 may be experiencing the effects of domestic violence  
13 or sexual assault. The study shall consider victim  
14 safety and confidentiality as significant factors in  
15 any policy recommendations.

16 (4) The Secretary shall study and report to  
17 Congress the link between the victimization of girls  
18 and their perpetration of crimes. This study will ex-  
19 amine the nature of the link, types of crimes in  
20 which girls who are victims of domestic violence and  
21 sexual assault engage, and the short- and long-term  
22 effect of girls' violent victimization. In addition, the  
23 report will explore the extent to which local, State,  
24 and Federal policies that govern social welfare,  
25 health education, and juvenile justice systems ad-

1 dress the needs of girls as victims of domestic vio-  
 2 lence or sexual assault.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
 4 authorized to be appropriated to carry out this section  
 5 \$10,000,000 for each of fiscal years 1999, 2000, 2002,  
 6 and 2003.

## 7 **Subtitle C—Family Safety**

### 8 **SEC. 231. SHORT TITLE.**

9 This subtitle may be cited as the “Family Safety  
 10 Act”.

### 11 **SEC. 232. FINDINGS AND PURPOSES.**

12 (a) FINDINGS.—Section 7(a) of the Parental Kidnap-  
 13 ing Prevention Act of 1980 (94 Stat. 3568; 42 U.S.C.  
 14 1305 note) is amended—

15 (1) by striking “and” at the end of paragraph  
 16 (3);

17 (2) by striking the period at the end of para-  
 18 graph (4) and inserting a semicolon; and

19 (3) by inserting after paragraph (4) the follow-  
 20 ing new paragraphs:

21 “(5) existing Federal and State laws are inad-  
 22 equate to protect parents from domestic violence and  
 23 to protect children from sexual assault and may  
 24 punish them when they seek to protect themselves;  
 25 and

1           “(6) failures of State judicial and child protec-  
2           tion systems may result in the inappropriate place-  
3           ment of children in the custody of abusive parents  
4           or punishment of nonabusing parents who attempt  
5           to protect themselves or their children.”.

6           (b) CONCLUSION.—Section 7(b) of such Act is  
7           amended by inserting “to establish standards to prevent  
8           children from being returned to abusive parents,” after  
9           “with such disputes,”.

10          (c) PURPOSES.—Section 7(c) of such Act is amend-  
11          ed—

12               (1) by redesignating paragraphs (3) through  
13               (6) as paragraphs (5) through (8), respectively;

14               (2) by inserting after paragraph (2) the follow-  
15               ing:

16               “(3) promote cooperation between State and  
17               tribal courts to protect parents and children from an  
18               incident or pattern of domestic violence or sexual as-  
19               sault;

20               “(4) promote realistic and protective standards  
21               for interstate relocation when parents dispute cus-  
22               tody, particularly in cases where there is domestic  
23               violence or sexual assault;”;

24               (3) in paragraph (7) (as so redesignated), by  
25               inserting before the semicolon at the end the follow-

1       ing: “, consistent with not endangering or inappro-  
 2       priately punishing parents who are victims of domes-  
 3       tic violence or children who are victims of sexual as-  
 4       sault”; and

5           (4) in paragraph (8) (as so redesignated), by  
 6       inserting before the period at the end the following:  
 7       “or to abuse the child or exert coercive control over  
 8       the other parent, except when the removal is justifi-  
 9       able in an attempt to protect the parent or any child  
 10      in the parent’s care”.

11 **SEC. 233. DEFENSE TO CRIMINAL CUSTODIAL INTER-**  
 12 **FERENCE OR PARENTAL ABDUCTION**  
 13 **CHARGE.**

14       Section 1073 of title 18, United States Code, is  
 15      amended by striking “Whoever moves” and inserting “(a)  
 16      Whoever moves” and by adding at the end the following:  
 17       “(b) For any charge of parental abduction, of custo-  
 18      dial interference, or of felony criminal contempt of court  
 19      related to an underlying child custody or visitation deter-  
 20      mination, that would otherwise provide a basis for pros-  
 21      ecution under this section, it shall be a defense to such  
 22      prosecution that the individual against whom this section  
 23      is invoked—

24           “(1) acted pursuant to the provisions of a court  
 25      order valid when and where issued—

1           “(A) which granted the defendant legal  
2 custody or visitation rights;

3           “(B) which was obtained in compliance  
4 with section 1738A of title 28;

5           “(C) which is not inconsistent with such  
6 section or with the Uniform Child Custody Ju-  
7 risdiction Enforcement Act as promulgated by  
8 the Uniform Law Commissioners; and

9           “(D) which was in effect at the time the  
10 defendant left the State;

11          “(2) was fleeing an incident or pattern of do-  
12 mestic violence or sexual assault of the child;

13          “(3) would otherwise have a defense under the  
14 terms of the International Parental Kidnapping Pre-  
15 vention Act (18 U.S.C. 1204).

16          “(c) The Attorney General shall issue guidance to as-  
17 sist the United States Attorneys and the Federal Bureau  
18 of Investigation in determining when to decline to initiate  
19 or to terminate an investigation or prosecution under sub-  
20 section (b) due to the potential availability of any de-  
21 fense.”.

22 **SEC. 234. FULL FAITH AND CREDIT GIVEN TO CHILD CUS-**  
23 **TODY DETERMINATIONS.**

24          (a) SECTION INTENT.—Section 1738A(a) of title 28,  
25 United States Code, is amended by adding at the end the



1 following: “This section is intended to preempt any incon-  
2 sistent State law and to apply to every proceeding in the  
3 United States or its territories that is not governed by  
4 inconsistent aspects of any treaty to which the United  
5 States Government is a signatory or has ratified that in-  
6 volves custody and visitation concerning a minor child.  
7 Any provisions of a protection order regarding the custody  
8 and visitation of a minor child, whether consensual or not,  
9 otherwise consistent with section 2265 of title 18 and with  
10 this section shall be given full faith and credit by the  
11 courts of any State where the party who sought the order  
12 seeks enforcement.”.

13 (b) DEFINITIONS.—Section 1738A(b) of such title is  
14 amended—

15 (1) by inserting after paragraph (3) the follow-  
16 ing:

17 “(4) ‘domestic violence’ includes acts or threats  
18 of violence, not including acts of self defense, com-  
19 mitted by a current or former spouse of the victim,  
20 by a person with whom the victim shares a child in  
21 common, by a person who is cohabitating with or  
22 has cohabitated with the victim, by a person who is  
23 or has been in a continuing social relationship of a  
24 romantic or intimate nature with the victim, by a  
25 person similarly situated to a spouse of the victim

1 under the domestic or family violence laws of the ju-  
2 risdiction, or by any other person against a victim  
3 who is protected from that person's acts under the  
4 domestic or family violence laws of the jurisdiction;

5 “(5) ‘sexual assault’ means any conduct pro-  
6 scribed by chapter 109A of title 18, United States  
7 Code, whether or not the conduct occurs in the spe-  
8 cial maritime and territorial jurisdiction of the  
9 United States or in a Federal prison and includes  
10 both assaults committed by offenders who are  
11 strangers to the victim and assaults committed by  
12 offenders who are known to the victim or related by  
13 blood or marriage to the victim;”;

14 (2) by redesignating paragraphs (4), (5), and  
15 (6) as paragraphs (6), (7), and (8), respectively;

16 (3) by redesignating paragraph (7) as para-  
17 graph (9) and by striking “and” after the semicolon;

18 (4) by inserting after paragraph (9) (as so re-  
19 designated) the following:

20 “(10) ‘predominant aggressor’ means the indi-  
21 vidual who has been determined to be the principal  
22 perpetrator of violence, by factors including—

23 “(A) history of domestic violence;

24 “(B) relative severity of the injuries in-  
25 flicted on each person;

1                   “(C) the likelihood of future injury to each  
2                   person;

3                   “(D) whether one of the persons acted in  
4                   self-defense; and/or

5                   “(E) the degree to which one of the per-  
6                   sons has acted with more deliberate intent to  
7                   control, isolate, intimidate, emotionally demean,  
8                   or cause severe pain or injury, or fear of harm  
9                   to the other or a third person”; and

10                  (5) by redesignating paragraph (8) as para-  
11                  graph (11).

12                  (c) CONDITION FOR CUSTODY DETERMINATION.—  
13                  Section 1738A(c)(2)(C) of such title is amended—

14                   (1) by striking “he” and inserting “the child, or  
15                   a sibling or parent of the child,”; and

16                   (2) by inserting “, including acts of domestic vi-  
17                   olence by the other parent” after “abuse”.

18                  (d) JURISDICTION.—Section 1738A(d) of such title  
19                  is amended by inserting before the period at the end the  
20                  following: “, except that after 2 years have passed while  
21                  a child is living in another State after relocation due to  
22                  domestic violence or sexual assault of the child, the court  
23                  of the original State shall decline jurisdiction provided  
24                  that the courts of the new State would have personal juris-  
25                  diction over the other parent under that State’s law”.

1 (e) CHILD CUSTODY DETERMINATIONS.—Section  
2 1738A of such title is amended by adding at the end the  
3 following:

4 “(h) A court may decline to exercise jurisdiction on  
5 behalf of a parent who has engaged in domestic violence  
6 as a predominant aggressor, if a court of another State  
7 has emergency jurisdiction under subsection (c)(2)(C)(ii).  
8 A court may decline to exercise jurisdiction on behalf of  
9 a parent who has wrongfully taken the child from a State  
10 without justification, or engaged in similar unjustifiable  
11 conduct, unless no other State would have jurisdiction  
12 under any provision of subsection (c).

13 **Subtitle D—Domestic Violence and**  
14 **Children**

15 **SEC. 241. CHILD CUSTODY, CHILD ABUSE, AND VICTIMS OF**  
16 **DOMESTIC VIOLENCE.**

17 It is the sense of Congress that—

18 (1) for purposes of determining child custody, it  
19 is in the best interest of children to have a presump-  
20 tion that children should have their main physical  
21 residence with their primary caretaker parent unless  
22 that parent is unfit;

23 (2) for purposes of determining child custody, it  
24 is not in the best interest of children to—

1 (A) force parents to share custody over the  
2 objection of one or both parents when there is  
3 a history of domestic violence;

4 (B) punish abused or protective parents  
5 who protect themselves or their children;

6 (C) presume that allegations of domestic  
7 violence or child sexual assault are likely to be  
8 made falsely or for tactical advantage during  
9 custody and divorce proceedings; and

10 (D) make “friendly parent” provisions a  
11 factor when there is abuse by one parent  
12 against the other or a child;

13 (3) child abuse and child sexual abuse allega-  
14 tions should be fully and impartially investigated re-  
15 gardless of when they are raised or whether the child  
16 has withdrawn the allegation;

17 (4) States should be far more protective of vic-  
18 tims of domestic violence and sexual assault in cus-  
19 tody and visitation determinations and not order me-  
20 diation, couples counseling, shared custody, mutual  
21 orders of protection, unsupervised visitation, or  
22 other measures when they may endanger the other  
23 parent or the child; and

24 (5) States should provide training in domestic  
25 violence and sexual assault, as they impact custody,

1 child support and visitation determinations, to all  
2 professionals who interact with children and parents  
3 (including judges, attorneys, guardians ad litem and  
4 other individuals appointed to represent children,  
5 therapists and mental health professionals, custody  
6 evaluators, child protective services personnel, and  
7 court appointed special advocates).

8 **Subtitle E—Child Welfare Worker**  
9 **Training on Domestic Violence**  
10 **and Sexual Assault**

11 **SEC. 251. CHILD WELFARE WORKER TRAINING ON DOMES-**  
12 **TIC VIOLENCE AND SEXUAL ASSAULT.**

13 (a) PURPOSE.—The purpose of this program is to en-  
14 courage States, Indian tribal governments, and units of  
15 local government to recognize and treat, as part of their  
16 ongoing child welfare responsibilities, domestic violence as  
17 and sexual assault as serious problems threatening the  
18 safety and well-being of its child and adult victims.

19 (b) GRANT AUTHORITY.—The Attorney General shall  
20 make grants jointly with the Secretary of Health and  
21 Human Services (the Secretary) to eligible States, Indian  
22 tribal governments, or units of local government to enable  
23 child welfare service agencies to train staff and modify  
24 policies, procedures, programs, and practices so that poli-

1 cies, practices, and services are consistent with the follow-  
2 ing principles:

3 (1) They protect the children.

4 (2) They increase the safety and well-being of  
5 the children, including increasing the safety of the  
6 nonabusing parents.

7 (3) They increase the safety of the children by  
8 supporting the autonomy and capacity of the adult  
9 victims.

10 (4) They hold perpetrators, not the victims, re-  
11 sponsible for stopping the abusive behaviors.

12 (c) GOALS OF GRANT.—The activities under the  
13 grant shall be directed to achieve at least 1 or more of  
14 the following goals:

15 (1) Identify and assess the presence of domestic  
16 violence and sexual assault in child protection cases,  
17 in a way that assures the safety and confidentiality  
18 of those involved.

19 (2) Recognize the overlap between child abuse  
20 and domestic violence in families, the dangers posed  
21 to both child and adult victims, and the physical,  
22 emotional, and developmental impact on children.

23 (3) Develop appropriate responses in cases of  
24 domestic violence and sexual assault, including a

1 safety plan and appropriate services and other inter-  
2 ventions for both the child and adult victims.

3 (4) Establish and enforce policies to ensure the  
4 confidentiality of information on families shared be-  
5 tween child welfare service agencies and local domes-  
6 tic violence and sexual assault programs, consistent  
7 with existing laws, regulations, and guidelines.

8 (5) Promote increased coordination among  
9 agencies and other entities to better serve victims of  
10 domestic violence and sexual assault, with special at-  
11 tention to links between child welfare service agen-  
12 cies, community-based domestic violence and sexual  
13 assault programs and rape crisis centers, and other  
14 entities addressing the safety, health, mental health,  
15 social service, and economic needs of victims of do-  
16 mestic violence and sexual assault.

17 (d) ELIGIBILITY.—Eligible grantees are States, In-  
18 dian tribal organizations, or units of local government that  
19 submit an application to the Attorney General and the  
20 Secretary of Health and Human Services that—

21 (1) outlines the specific activities that will be  
22 undertaken to achieve the goals set forth in sub-  
23 section (c) above;

24 (2) agrees to develop over the next 3 years, in  
25 collaboration with other organizations, a range of



1 training resources, policies, procedures, and services  
2 for child and adult victims of domestic violence and  
3 sexual assault that include at least the following:

4 (A) Relevant protocols for the screening,  
5 intake, assessment, investigation, and followup  
6 to reports of abuse and neglect and a procedure  
7 and schedule for training child welfare staff  
8 about domestic violence and sexual assault and  
9 their impact on children and adult victims and  
10 the appropriate use of these protocols. The  
11 training must include line staff, supervisors,  
12 and administrators, and begin with staff re-  
13 sponsible for screening, intake, assessment, and  
14 investigation of reports of child abuse and ne-  
15 glect. The training must be conducted in col-  
16 laboration with domestic violence experts and  
17 staff from community-based domestic violence  
18 and sexual assault programs, rape crisis cen-  
19 ters, and relevant law enforcement representa-  
20 tives. At a minimum, the protocols and training  
21 must address the following:

22 (i) Dynamics of domestic violence and  
23 its relationship to child abuse.

1                   (ii) Screening for domestic violence  
2                   and sexual assault and assessing danger to  
3                   the child and adult victims.

4                   (iii) Applicable Federal, State, and  
5                   local laws pertaining to domestic violence  
6                   and sexual assault.

7                   (iv) Appropriate interventions for  
8                   child and adult victims that protect the  
9                   safety of both and give appropriate consid-  
10                  eration to preserving those family members  
11                  not responsible for the abuse.

12                  (v) Appropriate supervision of staff  
13                  working with families where there has been  
14                  domestic violence, including issues regard-  
15                  ing worker safety.

16                  (vi) Protecting the confidentiality of  
17                  the child and adult victims.

18                  (B) Community-based networks of services  
19                  and supports that respond effectively to the  
20                  comprehensive needs of child and adult victims  
21                  of domestic violence and sexual assault and in-  
22                  clude at least the following:

23                         (i) Appropriate referrals to commu-  
24                         nity-based domestic violence and sexual as-  
25                         sault programs and rape crisis centers.

1 (ii) Emergency shelter and transi-  
2 tional housing for abused parents and their  
3 children.

4 (iii) Legal assistance and advocacy for  
5 victims, including, when appropriate, as-  
6 sistance in obtaining and entering orders  
7 of protection.

8 (iv) Support and training to assist  
9 parents to help their children cope with the  
10 impact of domestic violence and sexual as-  
11 sault.

12 (v) Programs to help children who  
13 have witnessed domestic violence.

14 (vi) Health, mental health, and other  
15 necessary supportive services.

16 (vii) Assistance to obtain necessary  
17 economic supports; and

18 (3) identifies the agencies that will be respon-  
19 sible for carrying out the initiative and includes doc-  
20 umentation from community-based domestic violence  
21 and sexual assault programs and rape crisis centers  
22 that they have been involved in the development of  
23 the application and describes their ongoing involve-  
24 ment in the development of the training and modi-  
25 fication of policies, procedures, programs, and prac-

1        tices, including their potential roles as subcontractors.  
2

3        (e) PRIORITY.—In awarding grants under this part,  
4 the Attorney General and the Secretary of Health and  
5 Human Services shall give priority to applicants that al-  
6 ready have demonstrated a commitment to educate staff  
7 of child welfare service agencies and domestic violence pro-  
8 grams about the impact of domestic violence on children,  
9 the special risks of child abuse and neglect, and appro-  
10 priate services and interventions for protecting both the  
11 child and adult victims of domestic violence and sexual as-  
12 sault.

13        (f) EVALUATION, REPORTING, AND DISSEMINA-  
14 TION.—Each grantee receiving funds under this program  
15 shall submit annually a report to the Attorney General  
16 and the Secretary of Health and Human Services evaluat-  
17 ing the effectiveness of activities developed with the funds  
18 provided under this program and containing such addi-  
19 tional information as the Attorney General and the Sec-  
20 retary shall require. In addition, the Attorney General and  
21 the Secretary shall within 6 months of the conclusion of  
22 these 3-year grants distribute to all State child welfare  
23 agencies, State domestic violence and sexual assault coal-  
24 itions, and to the Congress summaries of the activities im-  
25 plemented by these grantees, and related initiatives under-

1 taken by the Departments of Justice and Health and  
 2 Human Services to promote attention by child welfare  
 3 staff and staff of domestic violence and sexual assault  
 4 agencies to domestic violence and sexual assault and its  
 5 impact on its child and adult victims.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 are authorized to be appropriated to carry out this grant  
 8 program: \$3,000,000 for fiscal year 1999, \$4,000,000 for  
 9 fiscal year 2000, \$5,000,000 for fiscal year 2001,  
 10 \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal  
 11 year 2003. Each eligible grantee shall receive an amount  
 12 to be determined by the Attorney General and the Sec-  
 13 retary, but not less than \$250,000 a year.

## 14 **Subtitle F—Child Abuse** 15 **Accountability**

### 16 **SEC. 261. SHORT TITLE.**

17 This subtitle may be cited as the “Child Abuse Ac-  
 18 countability Act”.

### 19 **SEC. 262. AMENDMENTS TO TITLE I OF THE EMPLOYEE RE-** 20 **TIREMENT INCOME SECURITY ACT OF 1974.**

21 (a) CREATION OR ASSIGNMENT OF RIGHTS TO BENE-  
 22 FITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Sec-  
 23 tion 206(d)(3)(A) of the Employee Retirement Income Se-  
 24 curity Act of 1974 (29 U.S.C. 1056(d)(3)(A)) is amend-  
 25 ed—

1           (1) by inserting “or a child abuse order” after  
2           “a domestic relations order”;

3           (2) by inserting “or a qualified child abuse  
4           order” after “a qualified domestic relations order”;  
5           and

6           (3) by inserting “or any qualified child abuse  
7           order” after “any qualified domestic relations  
8           order”.

9           (b) QUALIFIED CHILD ABUSE ORDERS.—Section  
10          206(d)(3)(B) of such Act (29 U.S.C. 1056(d)(3)(B)) is  
11          amended—

12           (1) in clause (i), by striking “the term” and in-  
13           serting “The term”, and by striking “, and” at the  
14           end and inserting a period;

15           (2) in clause (ii), by striking “the term” and in-  
16           serting “The term”; and

17           (3) by adding at the end the following new  
18           clauses:

19                   “(iii) The term ‘qualified child abuse order’  
20                   means a child abuse order—

21                           “(I) which creates or recognizes the  
22                           existence of an alternate payee’s right to,  
23                           or assigns to an alternate payee the right  
24                           to, receive all or a portion of the benefits

1 payable with respect to a participant under  
2 a plan, and

3 “(II) with respect to which the re-  
4 quirements of subparagraphs (C) and (D)  
5 are met.

6 “(iv) The term ‘child abuse order’ means  
7 any court order or other similar process for the  
8 enforcement of a judgment rendered against a  
9 participant or beneficiary under a plan for  
10 physically, sexually, or emotionally abusing a  
11 child. For purposes of this clause—

12 “(I) The term ‘judgment rendered for  
13 physically, sexually, or emotionally abusing  
14 a child’ means any legal claim perfected  
15 through a final enforceable judgment,  
16 which claim is based in whole or in part  
17 upon the physical, sexual, or emotional  
18 abuse of a child, whether or not that abuse  
19 is accompanied by other actionable wrong-  
20 doing, such as sexual exploitation or gross  
21 negligence.

22 “(II) The term ‘child’ means an indi-  
23 vidual under 18 years of age.”.

24 (c) EXEMPTION FROM PREEMPTION.—Section  
25 514(b)(7) of such Act (29 U.S.C. 1144(b)(7)) is amended

1 by inserting “or qualified child abuse orders (within the  
2 meaning of section 206(d)(3)(B)(iii))” before the period.

3 (d) CONFORMING AMENDMENTS.—Section 206(d)(3)  
4 of such Act (29 U.S.C. 1056(d)(3)) is amended—

5 (1) in subparagraph (C), by inserting “or child  
6 abuse order” after “A domestic relations order”;

7 (2) in subparagraph (D), by inserting “or child  
8 abuse order” after “A domestic relations order”;

9 (3) in subparagraph (E)(i), by inserting “or  
10 child abuse order” after “A domestic relations  
11 order”;

12 (4) in subparagraph (G)(i), by inserting “or  
13 child abuse order” after “any domestic relations  
14 order”, by striking “domestic relations orders” in  
15 subclause (I) and inserting “such an order”, and by  
16 inserting “or a qualified child abuse order” in sub-  
17 clause (II) after “a qualified domestic relations  
18 order”;

19 (5) in subparagraph (G)(ii), by inserting “and  
20 child abuse orders” after “domestic relations or-  
21 ders”, and by inserting “or child abuse order” after  
22 “domestic relations order” each place it appears in  
23 subclauses (II) and (III);

24 (6) in subparagraph (H)(i), by inserting “or  
25 whether a child abuse order is a qualified child



1       abuse order” after “whether a domestic relations  
2       order is a qualified domestic relations order”, and by  
3       inserting “or a qualified child abuse order” after “to  
4       be a qualified domestic relations order”;

5           (7) in subparagraph (H)(ii), by inserting “or a  
6       qualified child abuse order” after “a qualified do-  
7       mestic relations order”;

8           (8) in subparagraph (H)(iii), by inserting “(in  
9       the case of a domestic relations order) or a qualified  
10      child abuse order (in the case of a child abuse  
11      order)” after “a qualified domestic relations order”  
12      each place it appears in subclauses (I) and (II);

13          (9) in subparagraph (H)(iv), by inserting “or a  
14      qualified child abuse order” after “a qualified do-  
15      mestic relations order”;

16          (10) in subparagraph (H)(v), by inserting “or  
17      child abuse order” after “the domestic relations  
18      order”;

19          (11) in subparagraph (I)(i), by inserting “or  
20      child abuse order” after “a domestic relations  
21      order”, and by inserting “or qualified child abuse  
22      order, respectively” after “a qualified domestic rela-  
23      tions order”;

1           (12) in subparagraph (J), by inserting “or a  
2           qualified child abuse order” after “a qualified do-  
3           mestic relations order”;

4           (13) in subparagraph (K), by inserting “or  
5           child abuse order” after “a domestic relations  
6           order”; and

7           (14) in subparagraph (M), by inserting “or a  
8           qualified child abuse order” after “a qualified do-  
9           mestic relations order”.

10 **SEC. 263. AMENDMENTS TO THE INTERNAL REVENUE CODE**  
11 **OF 1986.**

12           (a) CREATION OR ASSIGNMENT OF RIGHTS TO BENE-  
13 FITS UNDER QUALIFIED CHILD ABUSE ORDERS.—Sub-  
14 paragraph (B) of section 401(a)(13) of the Internal Reve-  
15 nue Code of 1986 (relating to assignment of benefits) is  
16 amended—

17           (1) by inserting “OR CHILD ABUSE ORDERS”  
18           after “DOMESTIC RELATIONS ORDERS” in the head-  
19           ing;

20           (2) by inserting “or a child abuse order” after  
21           “a domestic relations order”; and

22           (3) by inserting “or a qualified child abuse  
23           order” after “a qualified domestic relations order”.

1 (b) QUALIFIED CHILD ABUSE ORDERS.—Section  
2 414(p) of such Code (defining qualified domestic relations  
3 order) is amended—

4 (1) in the heading, by inserting “AND QUALI-  
5 FIED CHILD ABUSE ORDER” after “ORDER”; and

6 (2) in paragraph (1), by adding at the end the  
7 following new subparagraphs:

8 “(C) QUALIFIED CHILD ABUSE ORDER.—

9 The term ‘qualified child abuse order’ means a  
10 child abuse order—

11 “(i) which creates or recognizes the  
12 existence of an alternate payee’s right to,  
13 or assigns to an alternate payee the right  
14 to, receive all or a portion of the benefits  
15 payable with respect to a participant under  
16 a plan, and

17 “(ii) with respect to which the re-  
18 quirements of paragraphs (2) and (3) are  
19 met.

20 “(D) CHILD ABUSE ORDER.—

21 “(i) IN GENERAL.—The term ‘child  
22 abuse order’ means any court order or  
23 other similar process for the enforcement  
24 of a judgment rendered against a partici-  
25 pant or beneficiary under a plan for phys-

1                   ically, sexually, or emotionally abusing a  
2                   child.

3                   “(ii) DEFINITIONS.—For purposes of  
4                   this subparagraph—

5                   “(I) The term ‘judgment ren-  
6                   dered for physically, sexually, or emo-  
7                   tionally abusing a child’ means any  
8                   legal claim perfected through a final  
9                   enforceable judgment, which claim is  
10                  based in whole or in part upon the  
11                  physical, sexual, or emotional abuse of  
12                  a child, whether or not that abuse is  
13                  accompanied by other actionable  
14                  wrongdoing, such as sexual exploi-  
15                  tation or gross negligence.

16                  “(II) The term ‘child’ means an  
17                  individual under 18 years of age.”.

18                  (c) CONFORMING AMENDMENTS.—Subsection (p) of  
19                  section 414 of such Code is amended—

20                   (1) in paragraph (2), by inserting “or child  
21                   abuse order” after “A domestic relations order”;

22                   (2) in paragraph (3), by inserting “or child  
23                   abuse order” after “A domestic relations order”;

24                   (3) in paragraph (4)(A), by inserting “or child  
25                   abuse order” after “a domestic relations order”;

1           (4) in paragraph (6)(A), by inserting “or child  
2       abuse order” after “any domestic relations order”,  
3       by striking “domestic relations orders” in clause (i)  
4       and inserting “such an order”, and by inserting “or  
5       a qualified child abuse order” in clause (ii) after “a  
6       qualified domestic relations order”;

7           (5) in paragraph (6)(B), by inserting “and  
8       child abuse orders” after “domestic relations or-  
9       ders”;

10          (6) in paragraph (7)(A), by inserting “or  
11       whether a child abuse order is a qualified child  
12       abuse order” after “whether a domestic relations  
13       order is a qualified domestic relations order”, and by  
14       inserting “or a qualified child abuse order” after “to  
15       be a qualified domestic relations order”;

16          (7) in paragraph (7)(B), by inserting “OR  
17       QUALIFIED CHILD ABUSE ORDER” in the heading  
18       after “QUALIFIED DOMESTIC RELATIONS ORDER”,  
19       and by inserting “or a qualified child abuse order”  
20       after “a qualified domestic relations order”;

21          (8) in paragraph (7)(C), by inserting “(in the  
22       case of a domestic relations order) or a qualified  
23       child abuse order (in the case of a child abuse  
24       order)” after “a qualified domestic relations order”  
25       each place it appears in clauses (i) and (ii);

1           (9) in paragraph (7)(D), by inserting “or a  
2           qualified child abuse order” after “a qualified do-  
3           mestic relations order”;

4           (10) in paragraph (7)(E), by inserting “or child  
5           abuse order” after “the domestic relations order”;

6           (11) in paragraph (8), by inserting “or child  
7           abuse order” after “a domestic relations order”;

8           (12) in paragraph (9), by inserting “or a quali-  
9           fied child abuse order” after “a qualified domestic  
10          relations order”;

11          (13) in paragraph (10), by inserting “or a  
12          qualified child abuse order” after “a qualified do-  
13          mestic relations order”; and

14          (14) in paragraph (11), by inserting “(in the  
15          case of a domestic relations order) or a qualified  
16          child abuse order (in the case of a child abuse  
17          order)” after “pursuant to a qualified domestic rela-  
18          tions order”, and by inserting “or a child abuse  
19          order” after “pursuant to a domestic relations  
20          order”.

21          (d) TAX TREATMENT OF DISTRIBUTIONS PURSUANT  
22          TO QUALIFIED CHILD ABUSE ORDERS.—

23                 (1) ALTERNATE PAYEE MUST INCLUDE BENE-  
24                 FITS IN GROSS INCOME.—Paragraph (1) of section  
25                 402(e) of such Code (relating to alternate payee

1 under qualified domestic relations order treated as  
2 distributee) is amended by inserting “or qualified  
3 child abuse order” after “a qualified domestic rela-  
4 tions order” each place it appears.

5 (2) ALLOCATION OF INVESTMENT IN THE CON-  
6 TRACT.—Paragraph (10) of section 72(m) of such  
7 Code (relating to determination of investment in the  
8 contract in the case of qualified domestic relations  
9 orders) is amended—

10 (A) in the heading, by inserting “AND  
11 QUALIFIED CHILD ABUSE ORDERS” after  
12 “QUALIFIED DOMESTIC RELATIONS ORDERS”;  
13 and

14 (B) by inserting “or qualified child abuse  
15 order” after “a qualified domestic relations  
16 order”.

17 (3) CLARIFICATION OF ELIGIBILITY OF PARTIC-  
18 IPANT FOR LUMP SUM TREATMENT.—

19 (A) Subparagraph (H) of section 402(d)(4)  
20 of such Code (relating to balance to credit of  
21 employee not to include amounts payable under  
22 qualified domestic relations order) is amend-  
23 ed—

24 (i) in the heading, by inserting “OR  
25 QUALIFIED CHILD ABUSE ORDER” after

1                   “QUALIFIED       DOMESTIC       RELATIONS  
2                   ORDER”; and

3                   (ii) by inserting “or qualified child  
4                   abuse order” after “a qualified domestic  
5                   relations order”.

6                   (B) Subparagraph (J) of section 402(d)(4)  
7                   of such Code is amended by inserting “, or  
8                   under a qualified child abuse order (within the  
9                   meaning of section 414(p)) of the balance to  
10                  the credit of an alternate payee,” after “former  
11                  spouse of the employee”.

12 **SEC. 264. EFFECTIVE DATE.**

13                  The amendments made by this subtitle shall take ef-  
14                  fect on January 1, 1998, except that, in the case of a child  
15                  abuse order entered before such date, the plan adminis-  
16                  trator—

17                  (1) shall treat such order as a qualified child  
18                  abuse order if such administrator is paying benefits  
19                  pursuant to such order on such date, and

20                  (2) may treat any other such order entered be-  
21                  fore such date as a qualified child abuse order even  
22                  if such order does not meet the requirements of such  
23                  amendments.



**TITLE III—SEXUAL ASSAULT  
PREVENTION  
Subtitle A—Rape Prevention  
Education**

**SEC. 301. TRANSFER OF RAPE PREVENTION AND EDUCATION PROGRAM.**

Part J of title III of the Public Health Service Act is amended by inserting after section 393A the following new section:

**“SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.**

“(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part shall be used for rape prevention and education programs conducted by rape crisis centers and non-profit State sexual assault coalitions for—

“(1) educational seminars;

“(2) the operation of hotlines;

“(3) training programs for professionals;

“(4) the preparation of informational material;

and

“(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved

1 communities as defined in 42 U.S.C. 3796gg–2(7)  
2 as modified by title VI of this Act.

3 “(b) NATIONAL RESOURCE CENTER.—The Secretary  
4 of the Department of Health and Human Services shall,  
5 through the National Center for Injury Prevention and  
6 Control at the Centers for Disease Control and Preven-  
7 tion, establish a National Resource Center on Sexual As-  
8 sault to provide resource information, policy, training, and  
9 technical assistance to Federal, State, and Indian tribal  
10 agencies, as well as to State sexual assault coalitions and  
11 local sexual assault programs and to other professionals  
12 and interested parties on issues relating to sexual assault.  
13 The Resource Center shall maintain a central resource li-  
14 brary in order to collect, prepare, analyze, and disseminate  
15 information and statistics and analyses thereof relating to  
16 the incidence and prevention of sexual assault.

17 “(c) TARGETING OF EDUCATION PROGRAMS.—States  
18 providing grant moneys must ensure that at least 25 per-  
19 cent of the moneys are devoted to educational programs  
20 targeted for middle school, junior high, and high school  
21 aged students. The programs targeted under this sub-  
22 section shall be conducted by rape crisis centers and State  
23 sexual assault coalitions.

24 “(d) AUTHORIZATION OF APPROPRIATIONS.—

1           “(1) IN GENERAL.—There are authorized to be  
2 appropriated to carry out this section—

3                   “(A) \$75,000,000 for fiscal year 1999;

4                   “(B) \$75,000,000 for fiscal year 2000;

5                   “(C) \$100,000,000 for fiscal year 2001;

6                   “(D) \$100,000,000 for fiscal year 2002;

7                   and

8                   “(E) \$150,000,000 for fiscal year 2003.

9           Funds authorized to be appropriated under this sec-  
10 tion are appropriated from the Violent Crime Reduc-  
11 tion Fund pursuant to 42 U.S.C. 14211(c) and sub-  
12 paragraph (16) under the definition of “prevention  
13 program” in 42 U.S.C. 14214(d).

14           “(2) SEXUAL ASSAULT COALITIONS.—Of the  
15 amount appropriated for any fiscal year under this  
16 section, at least 15 percent of the total amount ap-  
17 propriated shall be used for making grants to State  
18 sexual assault coalitions to address public health  
19 issues associated with sexual assault through train-  
20 ing, resource development, or similar research.

21           “(3) SUBSECTION (b) ALLOTMENT.—Of the  
22 amount appropriated for any fiscal year under this  
23 section, at least 1 percent shall be made available for  
24 allotment under subsection (b).

25           “(e) LIMITATIONS.—

1           “(1) A State may use funds under this section  
2           only so as to supplement and, to the extent prac-  
3           ticable, increase the level of funds that would be  
4           available from non-Federal sources for the activities  
5           described in subsection (a), and in no case may such  
6           funds be used to supplant funds from other sources.

7           “(2) A State may not use more than 2 percent  
8           of the funds received in each fiscal year under this  
9           section for surveillance studies or prevalence studies.

10           “(3) A State may not use more than 5 percent  
11           of funds received in each fiscal year under this sec-  
12           tion for administrative expenses.

13           “(f) ELIGIBLE ORGANIZATIONS.—The Secretary  
14           shall award a grant under subsection (b) of this section  
15           to a private nonprofit organization which can—

16           “(1) demonstrate that it has recognized exper-  
17           tise in the area of sexual assault, a record of high-  
18           quality services to victims of sexual assault, includ-  
19           ing a demonstration of support from advocacy  
20           groups, such as State sexual assault coalitions or  
21           recognized national sexual assault groups; and

22           “(2) demonstrate a commitment to diversity  
23           and to the provision of services to underserved popu-  
24           lations as defined in 42 U.S.C. 3799gg–7 as modi-  
25           fied by title VI of this Act.

1 “(g) DEFINITIONS.—

2 “(1) For purposes of this section, the term  
3 ‘rape prevention and education’ includes education  
4 and prevention efforts directed at sexual offenses  
5 committed by offenders who are not known to the  
6 victim as well as offenders who are known to the vic-  
7 tim.

8 “(2) The term ‘sexual assault’ means any con-  
9 duct proscribed by chapter 109A of title 18, United  
10 States Code, whether or not the conduct occurs in  
11 the special maritime and territorial jurisdiction of  
12 the United States or in a Federal prison and in-  
13 cludes both assaults committed by offenders who are  
14 strangers to the victim and assaults committed by  
15 offenders who are known to the victim or related by  
16 blood or marriage to the victim.

17 “(3) The term ‘rape crisis center’ means a pri-  
18 vate nonprofit organization that is organized, or has  
19 as one of its primary purposes, to provide services  
20 for victims of sexual assault and has a record of  
21 commitment and demonstrated experience in provid-  
22 ing services to victims of sexual assault.

23 “(h) TERMS.—

1           “(1) The Secretary shall make allotments to  
2       each State on the basis of the population of the  
3       State.

4           “(2) No State may use funds made available by  
5       reason of subsection (a) in any fiscal year for admin-  
6       istration of any prevention program other than the  
7       rape prevention and education program for which al-  
8       lotments are made under this section.

9           “(3) Any amount paid to a State for a fiscal  
10      year and remaining unobligated at the end of such  
11      year shall remain available for the next fiscal year  
12      to such State for the purposes for which it was  
13      made.”.

14 **SEC. 302. TECHNICAL AMENDMENT TO PUBLIC LAW 103-322.**

15       (a) REPEAL.—Section 1910A of the Public Health  
16      and Human Services Act is repealed.

17       (b) EFFECTIVE DATE.—The repeal made by sub-  
18      section (a) of this section shall take effect the day after  
19      the date of enactment of this Act.

20 **Subtitle B—Standards, Practice,**  
21 **and Training for Sexual Assault**  
22 **Examinations**

23 **SEC. 311. SHORT TITLE.**

24       This subtitle may be cited as the “Standards, Prac-  
25      tice, and Training for Sexual Assault Examinations Act”.

1 **SEC. 312. STANDARDS, PRACTICE, AND TRAINING FOR SEX-**  
2 **UAL ASSAULT EXAMINATIONS.**

3 (a) IN GENERAL.—The Attorney General shall—

4 (1) evaluate existing standards of training and  
5 practice for licensed health care professionals per-  
6 forming sexual assault forensic examinations and de-  
7 velop a national recommended standard for training;

8 (2) recommend sexual assault examination  
9 training for all health care students to improve the  
10 recognition of injuries suggestive of rape and sexual  
11 assault and baseline knowledge of appropriate refer-  
12 rals in victim treatment and evidence collection; and

13 (3) review existing national, State, and local  
14 protocols on sexual assault for forensic examina-  
15 tions, and based on this review, develop a rec-  
16 ommended national protocol, and establish a mecha-  
17 nism for its nationwide dissemination.

18 (b) CONSULTATION.—The Attorney General shall  
19 consult with national, State, and local experts in the area  
20 of rape and sexual assault, including but not limited to,  
21 rape crisis centers, State sexual assault and domestic vio-  
22 lence coalitions and programs, criminal justice, forensic  
23 nursing, forensic science, emergency room medicine, law,  
24 social services, sex crimes in underserved communities as  
25 defined in 42 U.S.C. 3796gg–2(7) as modified by title VI  
26 of this Act.

1 (c) REPORT.—The Attorney General shall ensure  
2 that no later than 1 year after the date of enactment of  
3 this Act, a report of the directives in subsection (a) is sub-  
4 mitted to Congress.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this section  
7 \$200,000 for fiscal year 1999.

8 **Subtitle C—Prevention of Cus-**  
9 **dial Sexual Assault by Correc-**  
10 **tional Staff**

11 **SEC. 331. SHORT TITLE.**

12 This subtitle may be cited as the “Prevention of Cus-  
13 todial Sexual Assault by Correctional Staff Act”.

14 **SEC. 332. FINDINGS.**

15 Congress finds the following:

16 (1) According to an extensive 1996 report by  
17 the Women’s Rights Project of Human Rights  
18 Watch, sexual abuse of women prisoners by correc-  
19 tional officers is a serious problem in our Nation’s  
20 prisons, jails, and correctional facilities.

21 (2) Custodial sexual assault of women by cor-  
22 rectional officers includes documented incidents of  
23 vaginal, oral, and anal rape.

24 (3) Because correctional officers wield near ab-  
25 solute power over female prisoners, officers may



1 abuse that power to sexually assault and abuse fe-  
2 male prisoners, as well as engage in constant grop-  
3 ing, harassment, and other abuse.

4 **SEC. 333. ESTABLISHMENT OF PREVENTION PROGRAM.**

5 (a) PROGRAM GUIDELINES.—

6 (1) IN GENERAL.—The Attorney General shall  
7 establish guidelines for States and disseminate such  
8 information to the States regarding the prevention  
9 of custodial sexual misconduct by correctional staff.

10 (2) REQUIREMENTS.—Such guidelines shall in-  
11 clude requirements that—

12 (A) prohibit a State department of correc-  
13 tions from hiring correctional staff who have  
14 been convicted on criminal charges, or found  
15 liable in civil suits, for custodial sexual mis-  
16 conduct; and

17 (B) each State department of corrections  
18 maintain databases, including the names and  
19 identifying information of individuals who have  
20 been convicted on criminal charges or found lia-  
21 ble in civil suits for custodial sexual misconduct  
22 and to check these databases prior to hiring  
23 any correctional staff.

24 (3) NATIONAL DATABASE.—This information  
25 shall also be submitted to the Department of Justice

1       where it will be maintained and updated on a na-  
2       tional database.

3       (b) RELEASE OF INFORMATION.—The information  
4       collected under subsection (a)(2) shall be treated as pri-  
5       vate data except that—

6           (1) such information may be disclosed to law  
7       enforcement agencies for law enforcement purposes;

8           (2) such information may be disclosed to gov-  
9       ernment agencies conducting confidential back-  
10      ground checks; and

11          (3) the designated State law enforcement agen-  
12      cy and any local law enforcement agency authorized  
13      by the State agency may release relevant informa-  
14      tion that is necessary to protect prisoners concerning  
15      a specific person whose name is included in the  
16      database, except that the identity of a victim of an  
17      offense that requires information to be maintained  
18      under this section shall not be released.

19      (c) IMMUNITY FOR GOOD FAITH CONDUCT.—Law  
20      enforcement agencies, employees of law enforcement agen-  
21      cies, and State officials shall be immune from criminal or  
22      civil liability for good faith conduct in releasing informa-  
23      tion under this section.

24      (d) INELIGIBILITY FOR FUNDS.—

1           (1) IN GENERAL.—A State that fails to imple-  
2           ment the program as described under this section  
3           shall not receive 10 percent of the funds that would  
4           otherwise be allocated to the State under subtitle A  
5           of title II of the Violent Crime Control and Law En-  
6           forcement Act of 1994 (42 U.S.C. 13701).

7           (2) REALLOCATION.—Any funds that are not  
8           allocated for failure to comply with this section shall  
9           be reallocated to States that comply with this sec-  
10          tion.

11          (3) COMPLIANCE DATE.—Each State shall have  
12          not more than 3 years from the date of enactment  
13          of this Act in which to implement this section, ex-  
14          cept that the Attorney General may grant an addi-  
15          tional 2 years to a State that is making good faith  
16          efforts to implement this section.

17 **SEC. 334. PROHIBITED SEXUAL CONDUCT BY CORREC-**  
18 **TIONAL STAFF.**

19          (a) REDUCTION OF FUNDS.—In addition to the re-  
20          duction of funds under section 343(d), a State that does  
21          not have criminal penalties or a State that fails to imple-  
22          ment criminal penalties explicitly prohibiting custodial  
23          sexual misconduct by correctional staff against prisoners  
24          shall not receive 10 percent of the funds that would other-  
25          wise be allocated to the State under part A of title II of

1 the Violent Crime Control and Law Enforcement Act of  
2 1994 (42 U.S.C. 13701).

3 (b) REALLOCATION.—Any funds that are not allo-  
4 cated for failure to comply with this section shall be reallo-  
5 cated to States that comply with this section.

6 (c) COMPLIANCE DATE.—Each State shall have not  
7 more than 3 years from the date of enactment of this Act  
8 in which to implement this section, except that the Attor-  
9 ney General may grant an additional 2 years to a State  
10 that is making good faith efforts to implement this sec-  
11 tion.

12 **SEC. 335. NATIONAL SEXUAL CONTACT HOTLINE FOR PRIS-**  
13 **ONERS.**

14 (a) IN GENERAL.—Not later than 1 year after the  
15 date of the enactment of this Act, the Attorney General  
16 shall create a national, confidential, toll-free telephone  
17 hotline to collect data and to provide information and as-  
18 sistance to prisoners who have experienced custodial sex-  
19 ual misconduct by corrections staff.

20 (b) ACTIVITIES.—Funds authorized under this sec-  
21 tion shall be utilized to establish and operate a national,  
22 confidential, toll-free sexual contact hotline. Such funds  
23 shall be used for activities, including—

24 (1) contracting with a carrier for the use of a  
25 toll-free telephone line;

1           (2) employing, training, and supervising person-  
2           nel to answer incoming calls and provide counseling  
3           and referral services to callers;

4           (3) assembling, maintaining, and continually  
5           updating a database of information and resources to  
6           which callers may be referred throughout the United  
7           States;

8           (4) publicizing the hotline to prisoners through-  
9           out the United States; and

10          (5) tracking of the number of reports, including  
11          the name and location of the individual reporting the  
12          offender, and the incident.

13          (c) REPORTING OF INFORMATION.—Information re-  
14          garding the number of reports and the status of those re-  
15          ports shall be included in the Attorney General’s annual  
16          report to Congress.

17          (d) PROCESSING REPORTS.—Reports may be re-  
18          ferred to the criminal section of the Civil Rights Division  
19          of the Department of Justice for investigation or for refer-  
20          ral to the appropriate State agency for investigation.

21          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
22          are authorized to be appropriated to carry out this section  
23          \$300,000 for fiscal year 1999 and \$100,000 for each of  
24          the fiscal years 2000, 2001, 2002, and 2003.

1 **SEC. 336. DEFINITIONS.**

2 For purposes of this subtitle—

3 (1) the term “correctional staff” means any  
4 employee, contractual employee, volunteer, or agent  
5 of a correctional department who is working in any  
6 contact position with any prisoners under the juris-  
7 diction of that department; and

8 (2) the term “custodial sexual misconduct”  
9 means any physical contact, directly or through the  
10 clothing, with the sexual or intimate parts of a per-  
11 son for the purpose of sexual gratification of either  
12 party, when the—

13 (A) parties involved are a person in cus-  
14 tody of a correctional department and a mem-  
15 ber of the correctional staff; or

16 (B) contact occurs under circumstances of  
17 coercion, duress, or threat of force by a member  
18 of the correctional staff.

19 **Subtitle D—Hate Crimes**  
20 **Prevention**

21 **SEC. 341. SHORT TITLE.**

22 This Act may be cited as the “Hate Crimes Preven-  
23 tion Act of 1998”.

24 **SEC. 342. FINDINGS.**

25 Congress finds that—

1           (1) the incidence of violence motivated by the  
2           actual or perceived race, color, national origin, reli-  
3           gion, sexual orientation, gender, or disability of the  
4           victim poses a serious national problem;

5           (2) such violence disrupts the tranquility and  
6           safety of communities and is deeply divisive;

7           (3) existing Federal law is inadequate to ad-  
8           dress this problem;

9           (4) such violence affects interstate commerce in  
10          many ways, including—

11                (A) by impeding the movement of members  
12                of targeted groups and forcing such members to  
13                move across State lines to escape the incidence  
14                or risk of such violence; and

15                (B) by preventing members of targeted  
16                groups from purchasing goods and services, ob-  
17                taining or sustaining employment or participat-  
18                ing in other commercial activity;

19          (5) perpetrators cross State lines to commit  
20          such violence;

21          (6) instrumentalities of interstate commerce are  
22          used to facilitate the commission of such violence;

23          (7) such violence is committed using articles  
24          that have traveled in interstate commerce;

1           (8) violence motivated by bias that is a relic of  
2       slavery can constitute badges and incidents of slav-  
3       ery;

4           (9) although many local jurisdictions have at-  
5       tempted to respond to the challenges posed by such  
6       violence, the problem is sufficiently serious, wide-  
7       spread, and interstate in scope to warrant Federal  
8       intervention to assist such jurisdictions; and

9           (10) many States have no laws addressing vio-  
10      lence based on the actual or perceived race, color,  
11      national origin, religion, sexual orientation, gender,  
12      or disability, of the victim, while other States have  
13      laws that provide only limited protection.

14   **SEC. 343. DEFINITION OF HATE CRIME.**

15       In this Act, the term “hate crime” has the same  
16      meaning as in section 280003(a) of the Violent Crime  
17      Control and Law Enforcement Act of 1994 (28 U.S.C.  
18      994 note).

19   **SEC. 344. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

20       Section 245 of title 18, United States Code, is  
21      amended—

22           (1) by redesignating subsections (c) and (d) as  
23      subsections (d) and (e), respectively; and

24           (2) by inserting after subsection (b) the follow-  
25      ing:



1       “(c)(1) Whoever, whether or not acting under color  
2 of law, willfully causes bodily injury to any person or,  
3 through the use of fire, a firearm, or an explosive device,  
4 attempts to cause bodily injury to any person, because of  
5 the actual or perceived race, color, religion, or national  
6 origin of any person—

7           “(A) shall be imprisoned not more than 10  
8 years, or fined in accordance with this title, or both;  
9 or

10          “(B) shall be imprisoned for any term of years  
11 or for life, or fined in accordance with this title, or  
12 both if—

13           “(i) death results from the acts committed  
14 in violation of this paragraph; or

15           “(ii) the acts committed in violation of this  
16 paragraph include kidnapping or an attempt to  
17 kidnap, aggravated sexual abuse or an attempt  
18 to commit aggravated sexual abuse, or an at-  
19 tempt to kill.

20       “(2)(A) Whoever, whether or not acting under color  
21 of law, in any circumstance described in subparagraph  
22 (B), willfully causes bodily injury to any person or,  
23 through the use of fire, a firearm, or an explosive device,  
24 attempts to cause bodily injury to any person, because of

1 the actual or perceived religion, gender, sexual orientation,  
2 or disability of any person—

3 “(i) shall be imprisoned not more than 10  
4 years, or fined in accordance with this title, or both;  
5 or

6 “(ii) shall be imprisoned for any term of years  
7 or for life, or fined in accordance with this title, or  
8 both, if—

9 “(I) death results from the acts committed  
10 in violation of this paragraph; or

11 “(II) the acts committed in violation of  
12 this paragraph include kidnapping or an at-  
13 tempt to kidnap, aggravated sexual abuse or an  
14 attempt to commit aggravated sexual abuse, or  
15 an attempt to kill.

16 “(B) For purposes of subparagraph (A), the cir-  
17 cumstances described in this subparagraph are that—

18 “(i) in connection with the offense, the defend-  
19 ant or the victim travels in interstate or foreign  
20 commerce, uses a facility or instrumentality of inter-  
21 state or foreign commerce, or engages in any activity  
22 affecting interstate or foreign commerce; or

23 “(ii) the offense is in or affects interstate or  
24 foreign commerce.”.

1 **SEC. 345. DUTIES OF FEDERAL SENTENCING COMMISSION.**

2 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-  
3 LINES.—Pursuant to its authority under section 994 of  
4 title 28, United States Code, the United States Sentencing  
5 Commission shall study the issue of adult recruitment of  
6 juveniles to commit hate crimes and shall, if appropriate,  
7 amend the Federal sentencing guidelines to provide sen-  
8 tencing enhancements (in addition to the sentencing en-  
9 hancement provided for the use of a minor during the  
10 commission of an offense) for adult defendants who recruit  
11 juveniles to assist in the commission of hate crimes.

12 (b) CONSISTENCY WITH OTHER GUIDELINES.—In  
13 carrying out this section, the United States Sentencing  
14 Commission shall—

- 15 (1) ensure that there is reasonable consistency  
16 with other Federal sentencing guidelines; and  
17 (2) avoid duplicative punishments for substan-  
18 tially the same offense.

19 **SEC. 346. GRANT PROGRAM.**

20 (a) AUTHORITY TO MAKE GRANTS.—The Adminis-  
21 trator of the Office of Juvenile Justice and Delinquency  
22 Prevention of the Department of Justice shall make  
23 grants, in accordance with such regulations as the Attor-  
24 ney General may prescribe, to State and local programs  
25 designed to combat hate crimes committed by juveniles.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.

4 **SEC. 347. AUTHORIZATION FOR ADDITIONAL PERSONNEL**  
5 **TO ASSIST STATE AND LOCAL LAW ENFORCE-**  
6 **MENT.**

7 There are authorized to be appropriated to the De-  
8 partment of the Treasury and the Department of Justice,  
9 including the Community Relations Service, for fiscal  
10 years 1999, 2000, 2001, 2002, and 2003 such sums as  
11 are necessary to increase the number of personnel to pre-  
12 vent and respond to alleged violations of section 245 of  
13 title 18, United States Code (as amended by this Act).

14 **SEC. 348. SEVERABILITY.**

15 If any provision of this Act, an amendment made by  
16 this Act, or the application of such provision or amend-  
17 ment to any person or circumstance is held to be unconsti-  
18 tutional, the remainder of this Act, the amendments made  
19 by this Act, and the application of the provisions of such  
20 to any person or circumstance shall not be affected there-  
21 by.

1 **TITLE IV—DOMESTIC VIOLENCE**  
2 **PREVENTION**  
3 **Subtitle A—Domestic Violence**  
4 **Victims’ Housing**

5 **SEC. 401. SHORT TITLE.**

6 This subtitle may be cited as the “Domestic Violence  
7 Victims Housing Act”.

8 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

9 The budget authority under section 5(c) of the  
10 United States Housing Act of 1937 for assistance under  
11 subsections (b) and (o) of section 8 of such Act is author-  
12 ized to be increased by \$50,000,000 on or after October  
13 1, 1997 and by such sums as may be necessary on or after  
14 October 1, 1998.

15 **SEC. 403. USE OF AMOUNTS FOR HOUSING ASSISTANCE**  
16 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

17 (a) IN GENERAL.—Amounts available pursuant to  
18 section 402 shall be made available by the Secretary of  
19 Housing and Urban Development only to public housing  
20 agencies and qualified nonprofit organizations only for use  
21 for providing tenant-based rental assistance on behalf of  
22 families victimized by domestic violence (as such term is  
23 defined in section 404 of this subtitle) who have left or  
24 are leaving a residence as a result of the domestic violence.

1       (b) DETERMINATION.—For purposes of subsection  
2 (a), a family victimized by domestic violence shall be con-  
3 sidered to have left or to be leaving a residence as a result  
4 of domestic violence if the public housing agency or quali-  
5 fied nonprofit organization providing rental assistance  
6 under this subtitle determines that the member of the  
7 family who was a victim of the domestic violence reason-  
8 ably believes that relocation from such residence will assist  
9 in avoiding future domestic violence against such member  
10 or another member of the family.

11       (c) ALLOCATION.—Amounts made available pursuant  
12 to section 402 shall be allocated by the Secretary on the  
13 basis of a national competition to the public housing agen-  
14 cies and qualified nonprofit organizations that submit ap-  
15 plications to the Secretary that best demonstrate a need  
16 for such assistance, including the extent of service to un-  
17 derserved populations as defined in 42 U.S.C. 3796gg-  
18 2(7) as modified by title VI of this Act, and the ability  
19 to undertake and carry out a program under this subtitle,  
20 as the Secretary shall determine. At least 25 percent of  
21 the total grants awarded shall go to qualified nonprofit  
22 organizations.

1 **SEC. 404. DEFINITIONS RELATING TO DOMESTIC VIO-**  
2 **LENCE.**

3 For purposes of this subtitle, the following definitions  
4 shall apply:

5 (1) DOMESTIC VIOLENCE.—The term ‘domestic  
6 violence’ includes acts or threats of violence, not in-  
7 cluding acts of self defense, committed by a current  
8 or former spouse of the victim, by a person with  
9 whom the victim shares a child in common, by a per-  
10 son who is cohabitating with or has cohabitated with  
11 the victim, by a person who is or has been in a con-  
12 tinuing social relationship of a romantic or intimate  
13 nature with the victim, by a person similarly situ-  
14 ated to a spouse of the victim under the domestic or  
15 family violence laws of the jurisdiction, or by any  
16 other person against a victim who is protected from  
17 that person’s acts under the domestic or family vio-  
18 lence laws of the jurisdiction.

19 (2) FAMILY VICTIMIZED BY DOMESTIC VIO-  
20 LENCE.—

21 (A) IN GENERAL.—The term “family vic-  
22 timized by domestic violence” means a family or  
23 household that includes an individual who has  
24 been determined under subparagraph (B) to  
25 have been a victim of domestic violence, but  
26 does not include any individual described in

1 paragraph (3) who committed the domestic vio-  
2 lence. The term includes any such family or  
3 household in which only a minor or minors are  
4 the individual or individuals who was or were a  
5 victim of domestic violence only if such family  
6 or household also includes a parent, stepparent,  
7 legal guardian, or other responsible caretaker  
8 for the child.

9 (B) DETERMINATION THAT FAMILY OR IN-  
10 DIVIDUAL WAS A VICTIM OF DOMESTIC VIO-  
11 LENCE.—For purposes of subparagraph (A), a  
12 determination under this subparagraph is a de-  
13 termination that domestic violence has been  
14 committed, which is made by any agency or of-  
15 ficial of a State or unit of general local govern-  
16 ment (including a public housing agency) based  
17 upon—

18 (i) information provided by any medi-  
19 cal, legal, counseling, or other clinic, shel-  
20 ter, sexual assault program, or other pro-  
21 gram or entity licensed, recognized, or au-  
22 thorized by the State or unit of general  
23 local government to provide services to vic-  
24 tims of domestic violence or sexual assault;



1 (ii) information provided by any agen-  
2 cy of the State, unit of general local gov-  
3 ernment, or nonprofit nongovernmental or-  
4 ganization that provides or administers the  
5 provision of social, medical, legal, or health  
6 services;

7 (iii) information provided by any cler-  
8 gy;

9 (iv) information provided by any hos-  
10 pital, clinic, medical facility, or doctor li-  
11 censed or authorized by the State or unit  
12 of general local government to provide  
13 medical services;

14 (v) a petition or complaint filed in a  
15 court or law or documents or records of ac-  
16 tion of any court or law enforcement agen-  
17 cy, including any record of any protection  
18 order, injunction, or temporary or final  
19 order issued by civil or criminal courts or  
20 any police report; or

21 (vi) any other reliable evidence that  
22 domestic violence has occurred. A victim's  
23 statement that domestic violence has oc-  
24 curred shall be sufficient unless the agency

1                   has an independent, reasonable basis to  
2                   find the individual not credible.

3 **SEC. 405. OTHER DEFINITIONS.**

4           For purposes of this subtitle, the following definitions  
5 shall apply:

6           (1) PUBLIC HOUSING AGENCY.—The term  
7           “public housing agency” has the meaning given the  
8           term in section 3(b) of the United States Housing  
9           Act of 1937 (42 U.S.C. 1437a(b)).

10          (2) QUALIFIED NONPROFIT ORGANIZATION.—  
11          The term “qualified nonprofit organization” means  
12          a private organization that—

13               (A) is organized, or has as one of its pri-  
14               mary purposes, to provide shelter or transi-  
15               tional housing for victims of domestic violence;

16               (B) is organized under State or local laws;

17               (C) has no part of its net earnings inuring  
18               to the benefit of any member, shareholder,  
19               founder, contributor, or individual;

20               (D) is approved by the Secretary as to fi-  
21               nancial responsibility; and

22               (E) demonstrates experience in providing  
23               services to victims of domestic violence.

24          (3) SECRETARY.—The term “Secretary” means  
25          the Secretary of Housing and Urban Development.

1           (4) STATE.—The term “State” means the  
 2       States of the United States, the District of Colum-  
 3       bia, the Commonwealth of Puerto Rico, the Com-  
 4       monwealth of the Northern Mariana Islands, Guam,  
 5       the Virgin Islands, American Samoa, and any other  
 6       territory or possession of the United States.

7           (5) UNIT OF GENERAL LOCAL GOVERNMENT.—  
 8       The term “unit of general local government” has the  
 9       meaning given the term in section 102(a) of the  
 10      Housing and Community Development Act of 1974  
 11      (42 U.S.C. 5302(a)).

## 12       **Subtitle B—Full Faith and Credit** 13               **for Protection Orders**

### 14   **SEC. 411. FULL FAITH AND CREDIT FOR PROTECTION OR-** 15               **DERS.**

16       (a) Section 2265 of title 18, United States Code, is  
 17   amended by adding at the end the following:

18       “(d) FORMULA GRANT REDUCTION FOR NONCOMPLI-  
 19   ANCE.—

20           “(1) REDUCTION.—The Attorney General shall  
 21       reduce by 10 percent (for redistribution to other  
 22       participating States that comply with subsections (a)  
 23       and (b)) the amount a State would receive under  
 24       subpart 1 of part E of title I of the Omnibus Crime  
 25       Control and Safe Streets Act of 1968 if such State

1 fails to comply with the requirements of subsections  
2 (a), (b), and (c).

3 “(2) EFFECTIVE DATE.—The Attorney General  
4 may begin to reduce funds described in paragraph  
5 (1) on the first day of each fiscal year succeeding  
6 the first fiscal year beginning after the date of the  
7 enactment of this subsection.

8 “(e) REGISTRATION.—Nothing in this section shall  
9 require prior filing or registration of a protection order  
10 in the enforcing State in order to secure enforcement pur-  
11 suant to subsection (a). Nothing in this section shall per-  
12 mit a State to notify the party against whom the order  
13 has been made that a protection order has been registered  
14 and/or filed in that State.”

15 “(f) NOTICE.—Nothing in this section shall require  
16 notification of the party against whom the order was made  
17 in order to secure enforcement by a law enforcement offi-  
18 cer pursuant to subsection (a).”.

19 (b) DEFINITIONS.—Section 2266 of title 18, United  
20 States Code, is amended—

21 (1) by inserting “issued pursuant to State di-  
22 vorce and child custody codes” after “custody or-  
23 ders”; and

1           (2) by adding “Custody and visitation provi-  
2           sions in protection orders are subject to the man-  
3           dates of this chapter.” after “seeking protection.”.

4           (b) COMPLIANCE—FULL FAITH AND CREDIT.—  
5           Within 180 days, the Attorney General shall issue regula-  
6           tions to determine whether a State is in compliance with  
7           18 U.S.C. 2265(a), (b), and (c), taking into account the  
8           following factors:

9           (1) The State’s documented good faith efforts  
10          to ensure compliance by judicial, law enforcement,  
11          and other State officials, including the extent and  
12          nature of any training programs, outreach, and  
13          other activities.

14          (2) The degree to which any case of noncompli-  
15          ance by a State official represents an isolated inci-  
16          dent, rather than a pattern of nonenforcement.

17          (3) Any barriers to compliance presented by  
18          outdated technology, recordkeeping problems, or  
19          similar issues, and the State’s documented good  
20          faith efforts to removing those barriers.

21   **SEC. 412. GRANT PROGRAM.**

22          (a) IN GENERAL.—The Attorney General may pro-  
23          vide grants to assist States, Indian tribal governments,  
24          and units of local government to develop and strengthen  
25          effective law enforcement and recordkeeping strategies to

1 assist States, Indian tribal governments, and units of local  
2 government to enforce protective orders issued by other  
3 States, Indian tribal governments, or units of local govern-  
4 ment.

5 (b) USES OF FUNDS.—

6 (1) IN GENERAL.—Grants under this section  
7 shall provide training and enhanced technology com-  
8 patible with existing law enforcement systems in-  
9 cluding the National Crime Information Center to  
10 enforce protection orders.

11 (2) USES OF FUNDS.—Funds received under  
12 this section may be used to train law enforcement,  
13 prosecutors, court personnel, victim service provid-  
14 ers, and others responsible for the enforcement of  
15 protection orders, and to develop, install, or expand  
16 data collection and communication systems, includ-  
17 ing computerized systems, linking police, prosecu-  
18 tors, and courts for the purpose of identifying and  
19 tracking protection orders and violations of protec-  
20 tion orders and training.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to carry out this section, \$5,000,000 for  
23 each of fiscal years 1999, 2000, 2001, 2002, and 2003.

## **Subtitle C—Victims of Abuse Insurance Protection**

### **SEC. 421. SHORT TITLE.**

This subtitle may be cited as the “Victims of Abuse Insurance Protection Act”.

### **SEC. 422. DEFINITIONS.**

As used in this subtitle:

(1) The term “abuse” means the occurrence of one or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

1 (D) Attempting to cause or causing dam-  
2 age to property so as to intimidate or attempt  
3 to control the behavior of another person.

4 (2) The term “abuse-related medical condition”  
5 means a medical condition which arises in whole or  
6 in part out of an action or pattern of abuse.

7 (3) The term “abuse status” means the fact or  
8 perception that a person is, has been, or may be a  
9 subject of abuse, irrespective of whether the person  
10 has sustained abuse-related medical conditions or  
11 has incurred abuse-related claims.

12 (4) The term “health benefit plan” means any  
13 public or private entity or program that provides for  
14 payments for health care, including—

15 (A) a group health plan (as defined in sec-  
16 tion 607 of the Employee Retirement Income  
17 Security Act of 1974 (29 U.S.C. 1167)) or a  
18 multiple employer welfare arrangement (as de-  
19 fined in section 3(40) of such Act (29 U.S.C.  
20 1102(40)) that provides health benefits;

21 (B) any other health insurance arrange-  
22 ment, including any arrangement consisting of  
23 a hospital or medical expense incurred policy or  
24 certificate, hospital or medical service plan con-



1           tract, or health maintenance organization sub-  
2           scriber contract;

3           (C) workers' compensation or similar in-  
4           surance to the extent that it relates to workers'  
5           compensation medical benefits (as defined by  
6           the Federal Trade Commission); and

7           (D) automobile medical insurance to the  
8           extent that it relates to medical benefits (as de-  
9           fined by the Federal Trade Commission).

10          (5) The term "health carrier" means a person  
11          that contracts or offers to contract on a risk-assum-  
12          ing basis to provide, deliver, arrange for, pay for or  
13          reimburse any of the cost of health care services, in-  
14          cluding a sickness and accident insurance company,  
15          a health maintenance organization, a nonprofit hos-  
16          pital and health service corporation or any other en-  
17          tity providing a plan of health insurance, health ben-  
18          efits or health services.

19          (6) The term "insured" means a party named  
20          on a policy, certificate, or health benefit plan, in-  
21          cluding an individual, corporation, partnership, asso-  
22          ciation, unincorporated organization or any similar  
23          entity, as the person with legal rights to the benefits  
24          provided by the policy, certificate, or health benefit  
25          plan. For group insurance, such term includes a per-

1 son who is a beneficiary covered by a group policy,  
2 certificate, or health benefit plan. For life insurance,  
3 the term refers to the person whose life is covered  
4 under an insurance policy.

5 (7) The term “insurer” means any person, re-  
6 ciprocal exchange, interinsurer, Lloyds insurer, fra-  
7 ternal benefit society, or other legal entity engaged  
8 in the business of insurance, including agents, bro-  
9 kers, adjusters, and third party administrators. The  
10 term also includes health carriers, health benefit  
11 plans, and life, disability, and property and casualty  
12 insurers.

13 (8) The term “policy” means a contract of in-  
14 surance, certificate, indemnity, suretyship, or annu-  
15 ity issued, proposed for issuance or intended for  
16 issuance by an insurer, including endorsements or  
17 riders to an insurance policy or contract.

18 (9) The term “subject of abuse” means a per-  
19 son against whom an act of abuse has been directed,  
20 a person who has prior or current injuries, illnesses,  
21 or disorders that resulted from abuse, or a person  
22 who seeks, may have sought, or had reason to seek  
23 medical or psychological treatment for abuse, protec-  
24 tion, court-ordered protection, or shelter from abuse.

1 **SEC. 423. DISCRIMINATORY ACTS PROHIBITED.**

2 (a) No insurer may, directly or indirectly, engage in  
3 any of the following acts or practices on the basis that  
4 the applicant or insured, or any person employed by the  
5 applicant or insured or with whom the applicant or in-  
6 sured is known to have a relationship or association, is,  
7 has been, or may be the subject of abuse or has incurred  
8 or may incur abuse-related claims:

9 (1) Denying, refusing to issue, renew or reissue,  
10 or canceling or otherwise terminating an insurance  
11 policy or health benefit plan.

12 (2) Restricting, excluding, or limiting insurance  
13 coverage for losses or denying a claim, except as oth-  
14 erwise permitted or required by State laws relating  
15 to life insurance beneficiaries.

16 (3) Adding a premium differential to any insur-  
17 ance policy or health benefit plan.

18 (b) No insurer may, directly or indirectly, deny or  
19 limit payment of a claim incurred by an innocent insured  
20 as a result of abuse.

21 (c) No insurer or health carrier may terminate health  
22 coverage for a subject of abuse because coverage was origi-  
23 nally issued in the name of the abuser and the abuser has  
24 divorced, separated from, or lost custody of the subject  
25 of abuse or the abuser's coverage has terminated volun-  
26 tarily or involuntarily and the subject of abuse does not

1 qualify for extension of coverage under part 6 of subtitle  
2 B of title I or the Employee Retirement Income Security  
3 Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of the  
4 Internal Revenue Code of 1986. Nothing in this paragraph  
5 prohibits the insurer from requiring the subject of abuse  
6 to pay the full premium for the subject's coverage under  
7 the health plan if the requirements are applied to all in-  
8 sureds of the health carrier. The insurer may terminate  
9 group coverage after the continuation coverage required  
10 by this paragraph has been in force for 18 months if it  
11 offers conversion to an equivalent individual plan. The  
12 continuation of health coverage required by this paragraph  
13 shall be satisfied by any extension of coverage under part  
14 6 of subtitle B of title I or the Employee Retirement In-  
15 come Security Act of 1974 (29 U.S.C. 1161 et seq.) or  
16 4980B of the Internal Revenue Code of 1986 provided to  
17 a subject of abuse and is not intended to be in addition  
18 to any extension of coverage provided under part 6 of sub-  
19 title B of title I or the Employee Retirement Income Secu-  
20 rity Act of 1974 (29 U.S.C. 1161 et seq.) or 4980B of  
21 the Internal Revenue Code of 1986.

22 (d) USE OF INFORMATION.—

23 (1) In order to protect the safety and privacy  
24 of subjects of abuse, no person employed by or con-  
25 tracting with an insurer or health benefit plan may

1 use, disclose, or transfer information relating to  
2 abuse status, acts of abuse, abuse-related medical  
3 conditions or the applicant's or insured's status as  
4 a family member, employer, or associate, person in  
5 a relationship with a subject of abuse for any pur-  
6 pose unrelated to the direct provision of health care  
7 services unless such use, disclosure, or transfer is re-  
8 quired by an order of an entity with authority to  
9 regulate insurance or an order of a court of com-  
10 petent jurisdiction. In addition, such a person may  
11 not disclose or transfer information relating to an  
12 applicant's or insured's location or telephone number  
13 or the location and telephone number of a shelter for  
14 subjects of abuse except where such disclosure or  
15 transfer is required in order to provide insurance  
16 coverage, provided such disclosure or transfer does  
17 not have the potential to endanger the safety of a  
18 subject of abuse. Nothing in this paragraph shall be  
19 construed as limiting or precluding a subject of  
20 abuse from obtaining the subject's own insurance  
21 records from an insurer.

22 (2) AUTHORITY OF SUBJECT OF ABUSE.—A  
23 subject of abuse, at the absolute discretion of the  
24 subject of abuse, may provide evidence of abuse to  
25 an insurer for the limited purpose of facilitating

1 treatment of an abuse-related condition or dem-  
2 onstrating that a condition is abuse-related. Nothing  
3 in this paragraph shall be construed as authorizing  
4 an insurer or health carrier to disregard such pro-  
5 vided evidence.

6 **SEC. 424. INSURANCE PROTOCOLS FOR SUBJECTS OF**  
7 **ABUSE.**

8 Insurers shall develop and adhere to written policies  
9 specifying procedures to be followed by employees, con-  
10 tractors, producers, agents and brokers for the purpose  
11 of protecting the safety and privacy of a subject of abuse  
12 and otherwise implementing the provisions of this subtitle  
13 when taking an application, investigating a claim, or tak-  
14 ing any other action relating to a policy or claim involving  
15 a subject of abuse.

16 **SEC. 425. REASONS FOR ADVERSE ACTIONS.**

17 An insurer that takes an action that adversely affects  
18 a subject of abuse, shall advise the subject of abuse appli-  
19 cant or insured of the specific reasons for the action in  
20 writing. Reference to general underwriting practices or  
21 guidelines does not constitute a specific reason.

22 **SEC. 426. LIFE INSURANCE.**

23 Nothing in this subtitle shall be construed to prohibit  
24 a life insurer from declining to issue a life insurance policy  
25 if the applicant or prospective owner of the policy is or

1 would be designated as a beneficiary of the policy, and  
2 if—

3 (1) the applicant or prospective owner of the  
4 policy lacks an insurable interest in the insured; or

5 (2) the applicant or prospective owner of the  
6 policy is known, on the basis of police or court  
7 records, to have committed an act of abuse against  
8 the proposed insured.

9 **SEC. 427. SUBROGATION WITHOUT CONSENT PROHIBITED.**

10 Subrogation of claims resulting from abuse is prohib-  
11 ited without the informed consent of the subject of abuse.

12 **SEC. 428. ENFORCEMENT.**

13 (a) **FEDERAL TRADE COMMISSION.**—The Federal  
14 Trade Commission shall have the power to examine and  
15 investigate any insurer to determine whether such insurer  
16 has been or is engaged in any act or practice prohibited  
17 by this subtitle. If the Federal Trade Commission deter-  
18 mines an insurer has been or is engaged in any act or  
19 practice prohibited by this subtitle, the Commission may  
20 take action against such insurer by the issuance of a cease  
21 and desist order as if the insurer was in violation of sec-  
22 tion 5 of the Federal Trade Commission Act. Such cease  
23 and desist order may include any individual relief war-  
24 ranted under the circumstances, including temporary, pre-

1 liminary, and permanent injunctive and compensatory re-  
2 lief.

3 (b) PRIVATE CAUSE OF ACTION.—An applicant or in-  
4 sured who believes that the applicant or insured has been  
5 adversely affected by an act or practice of an insurer in  
6 violation of this subtitle may maintain an action against  
7 the insurer in a Federal or State court of original jurisdic-  
8 tion. Upon proof of such conduct by a preponderance of  
9 the evidence, the court may award appropriate relief, in-  
10 cluding temporary, preliminary, and permanent injunctive  
11 relief and compensatory and punitive damages, as well as  
12 the costs of suit and reasonable fees for the aggrieved indi-  
13 vidual’s attorneys and expert witnesses. With respect to  
14 compensatory damages, the aggrieved individual may  
15 elect, at any time prior to the rendering of final judgment,  
16 to recover in lieu of actual damages, an award of statutory  
17 damages in the amount of \$5,000 for each violation.

18 **SEC. 429. EFFECTIVE DATE.**

19 This subtitle shall apply with respect to any action  
20 taken on or after the date of the enactment of this Act,  
21 except that section 424 shall only apply to actions taken  
22 after the expiration of 60 days after such date.



**Subtitle D—National Summit on  
Sports and Violence**

**SEC. 431. SENSE OF THE CONGRESS THAT A NATIONAL  
SUMMIT OF SPORTS, POLITICAL, COMMU-  
NITY, AND MEDIA LEADERS SHOULD BE  
PROMPTLY CONVENED TO DEVELOP A  
MULTIFACETED ACTION PLAN TO DETER  
ACTS OF VIOLENCE, ESPECIALLY DOMESTIC  
VIOLENCE AND SEXUAL ASSAULT.**

(a) FINDINGS.—

(1) Involvement in sports commonly places individuals in a unique context of competition that provides an opportunity to teach, learn, and hone qualities of responsible citizenship, including values that promote self-respect and respect for others, and deter acts of violence, especially domestic violence and sexual assault.

(2) Professional and amateur athletes and sports coaches are role models with great national influence and have helped to positively shape the lives of countless individuals.

(3) Professional and amateur athletes, and sports coaches, administrators, volunteers, and team owners have participated in a variety of outstanding

1 and valuable community service projects throughout  
2 the Nation.

3 (4) Many professional and amateur sports orga-  
4 nizations have instituted educational programs and  
5 other measures to deter and sanction misconduct, in-  
6 cluding abuse of legal and illegal drugs, illegal gam-  
7 bling, discriminatory practices, and other unethical  
8 behavior.

9 (5) Acts of domestic violence and sexual assault  
10 are serious, indefensible crimes.

11 (6) Acts of domestic violence and sexual assault  
12 committed by athletes are often not taken seriously  
13 and go unpunished, sending an insidious and harm-  
14 ful message that this behavior is excusable and is  
15 not criminal.

16 (7) Most athletes do not commit acts of domes-  
17 tic violence or sexual assault and these athletes, as  
18 role models, can have a profound impact in deterring  
19 others from committing acts of domestic violence  
20 and sexual assault.

21 (8) There exists a Citizenship Through Sports  
22 Alliance that is made up of the National Collegiate  
23 Athletic Association, the National Junior College  
24 Athletic Association, the National Association of  
25 Intercollegiate Athletics, the National Federation of

1 State High School Associations, the United States  
2 Olympic Committee, Major League Baseball, the  
3 National Football League, the National Basketball  
4 Association, and the National Hockey League.

5 (9) The Congress supports the existing activi-  
6 ties of the Citizenship Through Sports Alliance and  
7 its member organizations and encourages a broader  
8 array of efforts to promote responsible citizenship by  
9 teaching administrators, coaches, and athletes values  
10 that will help all who participate in our Nation's  
11 sports culture to become better citizens.

12 (b) SENSE OF CONGRESS.—It is the sense of the  
13 Congress that—

14 (1) a national summit should be promptly con-  
15 vened to develop a multifaceted action plan to deter  
16 acts of violence, especially domestic violence and sex-  
17 ual assault;

18 (2) the members of the national summit re-  
19 ferred to in paragraph (1) should include—

20 (A) sports, community, political, and media  
21 leaders;

22 (B) individuals with experience in youth  
23 advocacy;

24 (C) individuals with experience in  
25 antiviolence advocacy;

1 (D) members of the Citizenship Through  
2 Sports Alliance;

3 (E) Members of Congress; and

4 (F) other governmental and community  
5 leaders with specific expertise in education,  
6 services, and advocacy programs that serve to  
7 deter acts of violence, specifically national,  
8 State, and local domestic violence and sexual  
9 assault coalitions and programs;

10 (3) the action plan referred to in paragraph (1)  
11 should—

12 (A) be designed to encourage the participa-  
13 tion of all administrators, coaches, and athletes,  
14 from those involved in youth leagues to those  
15 who are involved in professional sports;

16 (B) emphasize and promote values such as  
17 self-respect and respect for others, tolerance,  
18 non-discrimination, and gender equality as well  
19 as teamwork, discipline, responsibility, and com-  
20 mitment;

21 (C) encourage and promote participation in  
22 sports as a positive character building activity;

23 (D) promote a sports culture that encour-  
24 ages integrity, honesty, fairness, inclusion, tol-

erance, nonviolence, and a commitment to excellence; and

(E) include a high-profile public education program and media campaign to deter acts of violence, especially domestic violence and sexual assault; and

(4) the members of the national summit referred to in paragraph (1), and other sports, community, political and media leaders should assume leadership roles deterring acts of domestic violence and sexual assault and should support the measures developed by the national summit referred to in paragraph (1).

## **Subtitle E—Keeping Firearms From Intoxicated Persons**

### **SEC. 441. PROHIBITION AGAINST TRANSFER OF A FIREARM TO, AND POSSESSION OF A FIREARM BY, A PERSON WHO IS INTOXICATED.**

(a) TRANSFER PROHIBITION.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and

1           (3) by inserting after paragraph (9) the follow-  
2       ing:

3           “(10) is intoxicated.”.

4       (b) POSSESSION PROHIBITION.—Section 922(g) of  
5 such title is amended—

6           (1) by striking “or” at the end of paragraph  
7       (8);

8           (2) by inserting “or” at the end of paragraph  
9       (9); and

10          (3) by inserting after paragraph (9) the follow-  
11       ing:

12          “(10) who is intoxicated,”.

13       (c) STATEMENT REQUIRED BY THE BRADY LAW.—  
14 Section 922(s)(3)(B) of such title is amended—

15          (1) by striking “and” at the end of clause (vii);

16          (2) by inserting “and” at the end of clause  
17       (viii); and

18          (3) by inserting after clause (viii) the following:

19          “(ix) is not intoxicated;”.

20       (d) INTOXICATED DEFINED.—Section 921(a) of such  
21 title is amended by adding at the end the following:

22       “(34) The term ‘intoxicated’ means, with respect to  
23 a person, that the mental or physical condition of the per-  
24 son is sufficiently impaired, as a result of the presence  
25 in the person’s body of alcohol, a drug, or another sub-

1 stance, to be prohibited by the law of the State in which  
2 the person is located from operating a motor vehicle in  
3 the State.”.

## 4       **Subtitle F—Access to Safety and** 5                                   **Advocacy**

### 6       **SEC. 451. SHORT TITLE.**

7           This subtitle may be cited as the “Access to Safety  
8 and Advocacy Act”.

### 9       **SEC. 452. PURPOSE.**

10          The purpose of this subtitle is to enhance safety and  
11 justice for victims of domestic violence in every State, ju-  
12 risdiction under military or Federal control, tribal land,  
13 territory, or commonwealth, through access to the justice  
14 system and improved legal advocacy and representation.

### 15       **SEC. 453. GRANTS TO IMPROVE ACCESS TO THE JUSTICE** 16                                   **SYSTEM.**

17          (a) ELIGIBLE GRANTEEES.—Eligible grantees are—

- 18                   (1) domestic violence programs;
- 19                   (2) State, tribal, and local bar associations;
- 20                   (3) law school clinical programs;
- 21                   (4) nonprofit legal services;
- 22                   (5) court-based pro se programs;
- 23                   (6) bar association or domestic violence legal in-  
24 formation and referral services or hotlines;

1           (7) State coalitions of domestic violence pro-  
2       grams; and

3           (8) tribes and tribally recognized organizations.

4       (b) ELIGIBLE SERVICES.—Activities funded under  
5 this subtitle shall be designed to further the health, safety,  
6 and economic needs of victims of domestic violence  
7 through legal assistance for victims of domestic violence  
8 in any civil action, administrative proceeding, criminal  
9 cases where the defendant advances a claim of duress or  
10 defense of self or other or in clemency proceedings. Activi-  
11 ties funded under this subtitle shall include legal assist-  
12 ance on behalf of—

13           (1) low-income and indigent persons; or

14           (2) persons who have inadequate access to suf-  
15       ficient financial resources to secure appropriate legal  
16       assistance.

17       (c) GRANT AUTHORITY.—The Attorney General may  
18 make grants for the following purposes:

19           (1) To enhance the availability and quality of  
20       legal assistance to victims of domestic violence  
21       through efforts directed at stopping the violence, en-  
22       hancing victim safety, assuring economic protection  
23       and well-being or protecting child victims of domes-  
24       tic violence.



1           (2) To encourage the development of partner-  
2       ships between domestic violence programs and the  
3       full spectrum of legal representation and advocacy  
4       programs, including the following: private practition-  
5       ers, Government and public sector lawyers, direct  
6       legal services programs, bar associations, legal hot-  
7       lines, and clinical law school initiatives.

8           (3) To increase the participation of the private  
9       bar in pro bono or low-cost representation of and as-  
10      sistance to victims of domestic violence.

11          (4) To improve judicial and administrative han-  
12      dling of pro se cases involving victims of domestic vi-  
13      olence.

14          (5) To enhance the availability and quality of  
15      legal representation through increasing programs on  
16      domestic violence in law schools and in continuing  
17      professional education programs.

18 **SEC. 454. APPLICATION.**

19      (a) REQUIREMENTS.—Eligible grantees must—

20          (1) for entities described in section 453(a)(2)  
21      through (6), include documentation of an ongoing  
22      partnership and working relationship with a domes-  
23      tic violence program;

1           (2) demonstrate a history of providing direct  
2       legal or advocacy services in a manner that is ac-  
3       countable to the community served; and

4           (3) certify that—

5                (A) any person providing legal assistance  
6       through a program funded under this subtitle  
7       has completed training on domestic violence law  
8       and practice;

9                (B) any training programs conducted in  
10      satisfaction of the requirement of section  
11      455(a)(3)(A) be developed with input from and  
12      in collaboration with a domestic violence pro-  
13      gram;

14              (C) the grantee's organizational policies do  
15      not require or encourage mediation in cases  
16      where domestic violence is a significant issue;  
17      and

18              (D) any person providing legal assistance  
19      through a program funded under this subtitle  
20      has informed any State domestic violence coali-  
21      tions of their work and participates in any  
22      statewide networking among legal assistance  
23      providers to victims of domestic violence.

1 **SEC. 455. FUNDING.**

2 (a) **ALLOCATION OF FUNDS.**—Of the total amounts  
3 appropriated under this subtitle in any fiscal year, at least  
4 45 percent shall be allocated to projects that provide direct  
5 representation to victims of domestic violence, through  
6 staff, volunteers or partnerships, particularly for cases in-  
7 cluding custody and visitation, protection order, support,  
8 housing and divorce matters, and other actions under-  
9 taken to achieve or preserve victim safety. At least 5 per-  
10 cent of the funds appropriated under this subtitle shall  
11 be used for grants to tribes and tribal organizations, in-  
12 cluding tribal courts and bar associations. No more than  
13 15 percent of the funds appropriated under this subtitle  
14 shall be awarded to technical assistance and training ini-  
15 tiatives. No more than 5 percent of the funds appropriated  
16 under this subtitle shall be awarded to evaluation. No  
17 more than 5 percent of the funds appropriated under this  
18 subtitle shall be utilized for the costs of administration.

19 (b) **FUNDING LEVELS.**—There are authorized to be  
20 appropriated for grants under this subtitle \$19,000,000  
21 for fiscal 1999, \$27,000,000 for fiscal 2000, \$35,000,000  
22 for fiscal 2001, \$44,000,000 for fiscal 2002, and  
23 \$57,000,000 for fiscal 2003.

24 (c) **MATCHING REQUIREMENTS.**—Applicants shall be  
25 required to identify an actual or in-kind match for any  
26 proposed award under this subtitle of no more than 20

1 percent. Other Federal funding may not be allocated as  
2 match.

3 (d) NONSUPPLANTATION.—Federal funds received  
4 under this subtitle shall be used to supplement, not sup-  
5 plant, other Federal and non-Federal funds that would  
6 otherwise be available for expenditures on activities de-  
7 scribed in this part. Moneys disbursed under this subtitle  
8 must be used to fund new projects or to expand or enhance  
9 existing projects.

10 (e) DISCRIMINATION.—Activities funded under this  
11 subtitle shall be conducted pursuant to any applicable  
12 Federal, State, or local law governing discrimination on  
13 the basis of race, national origin, religion, age, gender,  
14 sexual orientation, or disability, and shall be subject to  
15 section 307(a)(2) of the Family Violence Prevention and  
16 Services Act. Entities funded under this subtitle shall not  
17 be restricted from providing services because of the immi-  
18 gration status or sexual orientation of the person seeking  
19 services.

20 **SEC. 456. PROVISION OF TECHNICAL ASSISTANCE AND**  
21 **TRAINING.**

22 The Attorney General may provide technical assist-  
23 ance and training in furtherance of the purposes of this  
24 subtitle. The technical assistance and training authorized  
25 by this section may be carried out directly by the Attorney

1 General or through contracts or other arrangements with  
2 entities, and may include consultation and problem solv-  
3 ing, the development of training programs, materials, and  
4 information on domestic violence law and practice, the  
5 identification of promising practices, development of data-  
6 bases, developing partnerships, and creating multidisci-  
7 plinary, community-based approaches.

8 **SEC. 457. EVALUATION OF ACCESS TO SAFETY AND ADVO-**  
9 **CACY GRANTS.**

10 The Attorney General may evaluate the grants fund-  
11 ed under this subtitle through contracts or other arrange-  
12 ments with entities expert on domestic violence and eval-  
13 uation research.

14 **SEC. 458. DEFINITIONS.**

15 In this subtitle the following definitions apply:

16 (1) DOMESTIC VIOLENCE.—The term “domestic  
17 violence” includes acts or threats of violence, and  
18 stalking, not including acts of self-defense, commit-  
19 ted by a current or former spouse of the victim, by  
20 a person with whom the victim shares a child in  
21 common, by a person who is cohabiting with or has  
22 cohabited with the victim, by a person who is or has  
23 been in a continuing social relationship of a roman-  
24 tic or intimate nature with the victim, by a person  
25 similarly situated to a spouse of the victim under the

1 domestic or family violence laws of the jurisdiction,  
2 or by any other person against a victim who is pro-  
3 tected from that person's acts under the domestic or  
4 family violence laws of the jurisdiction.

5 (2) DOMESTIC VIOLENCE PROGRAM.—The term  
6 “domestic violence program” means a nonprofit or-  
7 ganization, the primary purpose of which is to pro-  
8 vide advocacy on behalf of and comprehensive serv-  
9 ices to victims of domestic violence, including some  
10 combination of the following: crisis hotlines, shelter  
11 or safe homes, transitional housing, task forces or  
12 coordinating councils, food assistance, counseling,  
13 systems advocacy, transportation, safety planning,  
14 information and referral, and legal assistance.

15 (3) LAW SCHOOL PROGRAM.—The term “law  
16 school program” means an internship, externship,  
17 clinic, or other legal representation program or ini-  
18 tiative located at an accredited school of law which  
19 has as its primary purpose the provision of legal rep-  
20 resentation, information, or assistance to victims of  
21 domestic violence directed at stopping the violence,  
22 enhancing the victim safety, assuring economic pro-  
23 tection and well-being, or protecting child victims of  
24 domestic violence.

1           (4) LEGAL ASSISTANCE.—The term “legal as-  
2           sistance” includes—

3                   (A) direct representation of and assistance  
4                   to victims of domestic violence from intake  
5                   through adjudication, enforcement, and appeal,  
6                   in any civil action, administrative proceeding,  
7                   criminal cases where the defendant advances a  
8                   claim of duress or a defense of self or other or  
9                   in clemency proceedings; to include representa-  
10                  tion from intake through adjudication, enforce-  
11                  ment and appeal directed at stopping the vio-  
12                  lence, enhancing victim safety, assuring eco-  
13                  nomic protection and well-being, or protecting  
14                  child victims of domestic violence; and

15                  (B) legal advocacy, including issue identi-  
16                  fication, safety planning, evaluating options,  
17                  policy analysis, representation enhancement,  
18                  outreach activities, accompaniment, informa-  
19                  tion, directories and referral, monitoring the  
20                  civil and criminal justice process, and coordina-  
21                  tion among legal, social, and health care sys-  
22                  tems, offered by personnel of domestic violence  
23                  programs, which is directed at stopping the vio-  
24                  lence, enhancing victim safety, assuring eco-

1            nomic protection and well-being or protecting  
2            child victims of domestic violence.

3            (5) NONPROFIT DIRECT LEGAL SERVICES.—The  
4            term “nonprofit direct legal services” means a non-  
5            profit legal organization which has as its primary  
6            purpose the provision of legal assistance to persons  
7            on a no-cost, sliding scale, deferred payment, or  
8            fixed fee basis on civil or criminal legal matters and  
9            which provides specialized representation to victims  
10          of domestic violence directed at stopping the vio-  
11          lence, enhancing victim safety, assuring economic  
12          protection and well-being or protecting child victims  
13          of domestic violence.

14          (6) PRO BONO PROGRAM.—The term “pro bono  
15          program” means a program affiliated with a State,  
16          tribal, or local court, bar association, nonprofit di-  
17          rect legal services organization, or a domestic vio-  
18          lence program that offers no-cost representation,  
19          legal educational programs, or information and re-  
20          ferral services to victims of domestic violence di-  
21          rected at stopping the violence, enhancing victim  
22          safety, assuring economic protection and well-being,  
23          or protecting child victims of domestic violence.

24          (7) PRO SE PROGRAM.—The term “pro se pro-  
25          gram” means a program based in the State, tribal,



1 or local courts, in nonprofit direct legal services or-  
2 ganizations, or in domestic violence programs to as-  
3 sist victims of domestic violence—

4 (A) in preparation and filing of court  
5 pleadings, forms, memos, proposed orders, and  
6 related documents, in effecting service, and in  
7 representation of themselves in any civil or ad-  
8 ministrative matters or proceedings directed at  
9 stopping the violence, enhancing victim safety,  
10 assuring economic protection and well-being, or  
11 protecting child victims of domestic violence;

12 (B) to develop comprehensive safety plans;

13 and

14 (C) to offer information and referral serv-  
15 ices.

16 (8) STATE, TRIBAL, OR LOCAL BAR ASSOCIA-  
17 TION.—The term “State, tribal, or local bar associa-  
18 tion” means a State, tribal, or local association of  
19 attorneys of a specified geographic area whose mem-  
20 bers are licensed to practice in the jurisdiction(s)  
21 and that offers information, referral, or pro bono  
22 legal services to victims of domestic violence directed  
23 at stopping the violence, enhancing victim safety,  
24 achieving economic justice, or protecting child vic-  
25 tims of domestic violence.

1           (9) TRIBAL ORGANIZATION.—The term “tribal  
2           organization” means a tribally chartered organiza-  
3           tion or a nonprofit organization operating within the  
4           boundaries of an Indian reservation whose governing  
5           body reflects the populations served.

6           (10) STATE COALITION OF DOMESTIC VIOLENCE  
7           PROGRAMS.—The term “State coalition of domestic  
8           violence programs” means a statewide membership  
9           organization of domestic violence programs that,  
10          among other activities, provides training and tech-  
11          nical assistance to domestic violence programs within  
12          the State, commonwealth, territory, or lands under  
13          military, Federal, or tribal authority.

14   **Subtitle G—Federal Witness Pro-**  
15   **tection for Victims of Domestic**  
16   **Violence**

17   **SEC. 461. WITNESS PROTECTION.**

18          (a) GENERALLY.—Section 3521(a)(1) of title 18,  
19   United States Code, is amended by inserting “or of a vic-  
20   tim of an offense set forth in chapter 110A of this title  
21   directed at victims of domestic violence or a similar State  
22   offense,” after “other serious offense,”.

23          (b) OTHER ACTIONS.—Section 3521(b)(1) of title 18,  
24   United States Code, is amended by inserting “or a victim  
25   of domestic violence,” after “potential witness,”.

1 **TITLE V—VIOLENCE AGAINST**  
 2 **WOMEN IN THE MILITARY**  
 3 **SYSTEM**

4 **Subtitle A—Civilian Jurisdiction**  
 5 **for Crimes of Sexual Assault**  
 6 **and Domestic Violence**

7 **SEC. 501. CRIMINAL OFFENSES COMMITTED OUTSIDE THE**  
 8 **UNITED STATES BY PERSONS ACCOMPANY-**  
 9 **ING THE ARMED FORCES.**

10 (a) IN GENERAL.—Title 18, United States Code, is  
 11 amended by inserting after chapter 211 the following new  
 12 chapter:

13 **“CHAPTER 212—DOMESTIC VIOLENCE AND**  
 14 **SEXUAL ASSAULT OFFENSES COMMIT-**  
 15 **TED OUTSIDE THE UNITED STATES**

“Sec.

“3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

“3262. Delivery to authorities of foreign countries.

“3263. Regulations.

“3264. Definitions for chapter.

16 **“§ 3261. Domestic violence and sexual assault of-**  
 17 **fenses committed by persons formerly**  
 18 **serving with, or presently employed by or**  
 19 **accompanying, the Armed Forces outside**  
 20 **the United States**

21 “(a) IN GENERAL.—Whoever, while serving with, em-  
 22 ployed by, or accompanying the Armed Forces outside of

1 the United States, engages in conduct that would con-  
2 stitute a misdemeanor or felony domestic violence or sex-  
3 ual assault offense, if the conduct had been engaged in  
4 within the special maritime and territorial jurisdiction of  
5 the United States, shall be subject to prosecution in the  
6 Federal District Court of the jurisdiction of origin.

7 “(b) CONCURRENT JURISDICTION.—Nothing con-  
8 tained in this chapter deprives courts-martial, military  
9 commissions, provost courts, or other military tribunals of  
10 concurrent jurisdiction with respect to offenders or of-  
11 fenses that by statute or by the law of war may be tried  
12 by courts-martial, military commissions, provost courts, or  
13 other military tribunals.

14 “(c) ACTION BY FOREIGN GOVERNMENT.—No pros-  
15 ecution may be commenced under this section if a foreign  
16 government, in accordance with jurisdiction recognized by  
17 the United States, has prosecuted or is prosecuting such  
18 person for the conduct constituting such offense, except  
19 upon the approval of the Attorney General of the United  
20 States or the Deputy Attorney General of the United  
21 States (or a person acting in either such capacity), which  
22 function of approval shall not be delegated.

23 “(d) ARRESTS.—

24 “(1) LAW ENFORCEMENT PERSONNEL.—The  
25 Secretary of Defense may designate and authorize

1 any person serving in a law enforcement position in  
2 the Department of Defense to arrest outside of the  
3 United States any person described in subsection (a)  
4 if there is probable cause to believe that such person  
5 engaged in conduct which constitutes a criminal of-  
6 fense under subsection (a).

7 “(2) RELEASE TO CIVILIAN LAW ENFORCE-  
8 MENT.—A person arrested under paragraph (1)  
9 shall be released to the custody of civilian law en-  
10 forcement authorities of the United States for re-  
11 moval to the United States for judicial proceedings  
12 in the Federal district court of the named jurisdic-  
13 tion of origin of the person arrested in relation to  
14 conduct referred to in such paragraph unless—

15 “(A) such person is delivered to authorities  
16 of a foreign country under section 3262; or

17 “(B) such person has had charges brought  
18 against him or her under chapter 47 of title 10  
19 for such conduct.

20 **“§ 3262. Delivery to authorities of foreign countries**

21 “(a) IN GENERAL.—Any person designated and au-  
22 thorized under section 3261(d) may deliver a person de-  
23 scribed in section 3261(a) to the appropriate authorities  
24 of a foreign country in which the person is alleged to have  
25 engaged in conduct described in subsection (a) if—

1           “(1) the appropriate authorities of that country  
2       request the delivery of the person to such country  
3       for trial for such conduct as an offense under the  
4       laws of that country; and

5           “(2) the delivery of such person to that country  
6       is authorized by a treaty or other international  
7       agreement to which the United States is a party.

8       “(b) DETERMINATION BY THE SECRETARY.—The  
9       Secretary of Defense shall determine which officials of a  
10      foreign country constitute appropriate authorities for pur-  
11      poses of this section.

12   **“§ 3263. Regulations**

13       “The Secretary of Defense shall issue regulations  
14      governing the apprehension, detention, and removal of  
15      persons under this chapter. Such regulations shall be uni-  
16      form throughout the Department of Defense.

17   **“§ 3264. Definitions for chapter**

18       “As used in this chapter—

19           “(1) the term ‘Armed Forces’ has the same  
20      meaning as in section 101(a)(4) of title 10;

21           “(2) a person is ‘employed by the Armed  
22      Forces outside of the United States’ if the person—

23               “(A) is employed as a civilian employee of  
24      the Department of Defense, as a Department of

1 Defense contractor, or as an employee of a De-  
 2 partment of Defense contractor;

3 “(B) is present or residing outside of the  
 4 United States in connection with such employ-  
 5 ment; and

6 “(C) is not a national of the host nation;  
 7 and

8 “(3) a person is ‘accompanying the Armed  
 9 Forces outside of the United States’ if the person—

10 “(A) is a dependent of a member of the  
 11 armed forces;

12 “(B) is a dependent of a civilian employee  
 13 of the Department of Defense;

14 “(C) is residing with the member or civil-  
 15 ian employee outside of the United States; and

16 “(D) is not a national of the host nation.”

17 (b) CLERICAL AMENDMENT.—The table of chapters  
 18 at the beginning of part II of title 18, United States Code,  
 19 is amended by inserting after the item relating to chapter  
 20 211 the following:

**“212. Domestic Violence and Sexual Assault Offenses  
 Committed Outside the United States ..... 3261”.**

21 **SEC. 502. RECORDS OF MILITARY JUSTICE ACTIONS.**

22 (a) IN GENERAL.—Chapter 59 of title 10, United  
 23 States Code, is amended by adding at the end the follow-  
 24 ing new section:

1 **“§ 1178. Military justice information and DNA speci-**  
2 **mens: transmission to Director of Federal**  
3 **Bureau of Investigation upon member’s**  
4 **separation**

5 “(a) RECORDS OF MILITARY JUSTICE ACTIONS.—  
6 Whenever a member of the armed forces is discharged  
7 from a period of service in the armed forces or is released  
8 from a period of active duty, the Secretary of the military  
9 department concerned shall transmit to the Director of the  
10 Federal Bureau of Investigation a copy of records of any  
11 penal action taken against the member during that period  
12 under chapter 47 of this title (the Uniform Code of Mili-  
13 tary Justice).

14 “(b) DNA SPECIMENS OF PERSONS CONVICTED OF  
15 SEXUAL OFFENSES.—(1) Any member of the armed  
16 forces who is convicted by a court-martial of an offense  
17 of a sexual nature shall, before being separated from the  
18 member’s armed force, provide to the Secretary of the  
19 military department concerned a sample of blood, saliva,  
20 or other specimen collected from that member necessary  
21 to conduct DNA analysis consistent with established pro-  
22 cedures for DNA testing by the Director of the Federal  
23 Bureau of Investigation.

24 “(2) The Secretary concerned shall transmit each  
25 sample provided under paragraph (1) in a timely manner  
26 to the Director of the Federal Bureau of Investigation for



1 inclusion in the Combined DNA Identification System  
2 (CODIS) of the Federal Bureau of Investigation.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by adding  
5 at the end the following new item:

“1178. Military justice information and DNA specimens: transmission to Director of Federal Bureau of Investigation upon member’s separation.”.

6 **Subtitle B—Transitional Com-**  
7 **penensation and Health Care for**  
8 **Abused Dependents of Members**  
9 **of the Armed Forces**

10 **SEC. 511. TRANSITIONAL COMPENSATION.**

11 Section 1059 of title 10, United States Code, is  
12 amended—

13 (1) in subsection (e)(1)(A), by inserting “that  
14 includes dependent-abuse as an underlying or prin-  
15 cipal factor” after “for a dependent-abuse offense”;

16 (2) in subsection (e)(1)(B), by inserting “un-  
17 derlying, partial, or principal” before “basis”; and

18 (3) in subsection (g)(2), by striking “the Sec-  
19 retary may not resume such payments” and insert-  
20 ing “the Secretary may resume such payments if the  
21 Secretary determines that there was ongoing abuse.  
22 Any such determination as to such a resumption of  
23 payments shall be reviewed by the Secretary on a  
24 case-by-case basis.”.

1 **SEC. 512. HEALTH BENEFITS.**

2 Paragraph (1) of section 1076(e) of title 10, United  
3 States Code, is amended to read as follows:

4 “(1) The administering Secretary shall furnish  
5 an abused dependent of a former member of a uni-  
6 formed service described in paragraph (4), during  
7 that period that the abused dependent is in receipt  
8 of transitional compensation under section 1059 of  
9 this title, with medical and dental care, including  
10 mental health services, in facilities of the uniformed  
11 services in accordance with the same eligibility and  
12 benefits as were applicable for that abused depend-  
13 ent during the period of active service of the former  
14 member.”.

15 **TITLE VI—PREVENTING VIO-**  
16 **LENCE AGAINST WOMEN IN**  
17 **TRADITIONALLY UNDER-**  
18 **SERVED COMMUNITIES**

19 **Subtitle A—Older Women’s**  
20 **Protection From Violence**

21 **SEC. 601. SHORT TITLE; TABLE OF CONTENTS.**

22 (a) **SHORT TITLE.**—This Act may be cited as the  
23 “Older Women’s Protection From Violence Act”.

24 (b) **TABLE OF CONTENTS.**—The table of contents for  
25 this Act is as follows:

Sec. 601. Short title; table of contents.

Sec. 602. Findings.

CHAPTER 1—VIOLENCE AGAINST WOMEN ACT OF 1994

Sec. 603. Elder abuse, neglect, and exploitation.

CHAPTER 2—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 604–1. Definitions.

Sec. 604–2. Domestic violence services for older individuals.

Sec. 604–3. Demonstration grants for community initiatives.

CHAPTER 3—OLDER AMERICANS ACT OF 1965

Sec. 605–1. Definitions.

Sec. 605–2. Research about the sexual abuse of women who are older individuals.

Sec. 605–3. State Long-Term Care Ombudsman program.

Sec. 605–4. Training for health professionals on screening for elder abuse, neglect, and exploitation.

Sec. 605–5. Domestic violence shelters and programs for older individuals.

Sec. 605–6. Authorization of appropriations.

Sec. 605–7. Community initiatives and outreach.

CHAPTER 4—PUBLIC HEALTH SERVICE ACT

Sec. 606–1. Short title.

Sec. 606–2. Establishment, for certain health professions programs, of provisions regarding identification and referral for elder abuse and neglect.

1 **SEC. 602. FINDINGS.**

2 Congress finds that—

3 (1) of the more than 1,000,000 persons age 65  
4 and over who are victims of abuse each year, at least  
5 two-thirds are women;

6 (2) the number of reports of elder abuse in the  
7 United States increased by 94 percent between 1986  
8 and 1991 and is expected to continue growing;

9 (3) it is estimated that at least 5 percent of the  
10 Nation's elderly are victims of moderate to severe  
11 abuse and that the rate for all forms of abuse may  
12 be as high as 10 percent;

1           (4) elder abuse is severely underreported, with  
2           1 in 5 cases being reported in 1980 and 1 in 8 cases  
3           being reported today;

4           (5) elder abuse takes on many forms, including  
5           physical abuse, sexual abuse, psychological (emo-  
6           tional) abuse, neglect (intended or unintended), and  
7           financial exploitation;

8           (6) many older persons, particularly women and  
9           minorities, fail to report abuse because of shame or  
10          as a result of prior unsatisfactory experiences with  
11          police, district attorneys, clergy, social workers, or  
12          others who lacked sensitivity to the concerns or  
13          needs of older people;

14          (7) many older persons fail to report abuse be-  
15          cause they are dependent on their abusers and fear  
16          being abandoned or institutionalized;

17          (8) public and professional awareness and iden-  
18          tification of elder abuse is difficult because many  
19          older persons are not tied into social networks (such  
20          as schools or jobs), and may become isolated in their  
21          homes, which can increase the risk of elder abuse;

22          (9) the Department of Justice does not include  
23          age as a category for criminal statistics reporting;

1           (10) there are relatively few statistics and re-  
 2       search studies regarding violence against older  
 3       women; and

4           (11) older persons critically need activities that  
 5       develop, strengthen, and carry out actions for the  
 6       prevention of abuse, including neglect and exploi-  
 7       tation, and provide related assistance for victims.

8       **CHAPTER 1—VIOLENCE AGAINST WOMEN**  
 9                               **ACT OF 1994**

10   **SEC. 603. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

11       The Violence Against Women Act of 1994 (108 Stat.  
 12   1902) is amended by adding at the end the following:

13   **“Subtitle H—Elder Abuse, Neglect,**  
 14       **and Exploitation, Including Do-**  
 15       **mestic Violence and Sexual As-**  
 16       **sault Against Older Individuals**

17   **“SEC. 40801. DEFINITIONS.**

18       “In this subtitle:

19           “(1) IN GENERAL.—The terms ‘elder abuse, ne-  
 20       glect, and exploitation’, ‘domestic violence’, and  
 21       ‘older individual’ have the meanings given the terms  
 22       in section 102 of the Older Americans Act of 1965  
 23       (42 U.S.C. 3002).

24           “(2) SEXUAL ASSAULT.—The term ‘sexual as-  
 25       sault’ has the meaning given the term in section

1       2003 of the Omnibus Crime Control and Safe  
2       Streets Act of 1968 (42 U.S.C. 3796gg-2).

3       **“SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER**  
4                   **ABUSE, NEGLECT, AND EXPLOITATION.**

5       “The Attorney General shall make grants to law  
6 school clinical programs for the purposes of funding the  
7 inclusion of cases addressing issues of elder abuse, neglect,  
8 and exploitation, including domestic violence, and sexual  
9 assault, against older individuals.

10       **“SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCE-**  
11                   **MENT OFFICERS.**

12       “The Attorney General shall develop curricula and  
13 offer, or provide for the offering of, training programs to  
14 assist law enforcement officers and prosecutors in rec-  
15 ognizing, addressing, investigating, and prosecuting in-  
16 stances of elder abuse, neglect, and exploitation, including  
17 domestic violence, and sexual assault, against older indi-  
18 viduals.

19       **“SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.**

20       “There are authorized to be appropriated such sums  
21 as may be necessary to carry out this subtitle.”.

1           **CHAPTER 2—FAMILY VIOLENCE**  
2           **PREVENTION AND SERVICES ACT**

3   **SEC. 604–1. DEFINITIONS.**

4           Section 309 of the Family Violence Prevention and  
5   Services Act (42 U.S.C. 10408) is amended by adding at  
6   the end the following:

7           “(7) The term ‘older individual’ has the mean-  
8           ing given the term in section 102 of the Older Amer-  
9           icans Act of 1965.”.

10   **SEC. 604–2. DOMESTIC VIOLENCE SERVICES FOR OLDER IN-**  
11           **DIVIDUALS.**

12           Section 311(a) of the Family Violence Prevention and  
13   Services Act (42 U.S.C. 10410(a)) is amended—

14           (1) in paragraph (4), by striking “and” at the  
15   end;

16           (2) in paragraph (5), by striking the period at  
17   the end and inserting “; and”; and

18           (3) by adding at the end the following:

19           “(6) work with domestic violence programs to  
20   encourage the development of programs targeted to  
21   older individuals, including outreach, support  
22   groups, and counseling.”.

1 **SEC. 604-3. DEMONSTRATION GRANTS FOR COMMUNITY**  
2 **INITIATIVES.**

3 Section 318(b)(2)(F) of the Family Violence Preven-  
4 tion and Services Act (42 U.S.C. 10418(b)(2)(F)) is  
5 amended by inserting “and adult protective services enti-  
6 ties” before the semicolon.

7 **CHAPTER 3—OLDER AMERICANS ACT OF**  
8 **1965**

9 **SEC. 605-1. DEFINITIONS.**

10 Section 102 of the Older Americans Act of 1965 (42  
11 U.S.C. 3002) is amended by adding at the end the follow-  
12 ing:

13 “(45) The term ‘domestic violence’ includes acts  
14 or threats of violence, not including acts of self de-  
15 fense, committed by a current or former spouse of  
16 the victim, by a person related by blood or marriage  
17 to the victim, by a person who is cohabiting with or  
18 has cohabited with the victim, by a person with  
19 whom the victim shares a child in common, by a per-  
20 son who is or has been in a continuing social rela-  
21 tionship of a romantic or intimate nature with the  
22 victim, by a person similarly situated to a spouse of  
23 the victim under the domestic or family violence laws  
24 of the jurisdiction of the victim, or by any other per-  
25 son against a victim who is protected from that per-



1 son's acts under the domestic or family violence laws  
2 of the jurisdiction.

3 “(46) The term ‘sexual assault’ has the mean-  
4 ing given the term in section 2003 of the Omnibus  
5 Crime Control and Safe Streets Act of 1968 (42  
6 U.S.C. 3796gg-2).”.

7 **SEC. 605-2. RESEARCH ABOUT THE SEXUAL ASSAULT OF**  
8 **WOMEN WHO ARE OLDER INDIVIDUALS.**

9 Section 202(d)(3)(C) of the Older Americans Act of  
10 1965 (42 U.S.C. 3012(d)(3)(C)) is amended—

11 (1) by striking “and” at the end of clause (i);

12 (2) by striking the period at the end of clause  
13 (ii) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(iii) in establishing research priorities under  
16 clause (i), consider the importance of research about  
17 the sexual assault of women who are older individ-  
18 uals.”.

19 **SEC. 605-3. STATE LONG-TERM CARE OMBUDSMAN PRO-**  
20 **GRAM.**

21 Section 303(a)(1) of the Older Americans Act of  
22 1965 (42 U.S.C. 3023(a)(1)) is amended by inserting be-  
23 fore the period the following: “, except that for grants to  
24 carry out section 321(a)(10), there are authorized to be

1 appropriated such sums as may be necessary without fiscal  
2 year limitation”.

3 **SEC. 605–4. TRAINING FOR HEALTH PROFESSIONALS ON**  
4 **SCREENING FOR ELDER ABUSE, NEGLECT,**  
5 **AND EXPLOITATION.**

6 Section 411 of the Older Americans Act of 1965 (42  
7 U.S.C. 3031) is amended by adding at the end the follow-  
8 ing:

9 “(f)(1) The Secretary shall, in consultation with the  
10 Assistant Secretary, develop curricula and implement con-  
11 tinuing education training programs for protective service  
12 workers, health care providers, social workers, clergy, and  
13 other community-based social service providers in settings,  
14 including senior centers, adult day care settings, and sen-  
15 ior housing, to improve their ability to recognize and ad-  
16 dress instances of elder abuse, neglect, and exploitation,  
17 including domestic violence, and sexual assault, against  
18 older individuals.

19 “(2) In carrying out paragraph (1), the Secretary  
20 shall develop and implement separate curricula and train-  
21 ing programs for adult protective services workers, medi-  
22 cal students, physicians, physician assistants, nurse prac-  
23 titioners, nurses, and clergy.”.

1 **SEC. 605-5. DOMESTIC VIOLENCE SHELTERS AND PRO-**  
2 **GRAMS FOR OLDER INDIVIDUALS.**

3 Section 422(b) of the Older Americans Act of 1965  
4 (42 U.S.C. 3035a(b)) is amended—

5 (1) by striking “and” at the end of paragraph  
6 (11);

7 (2) by striking the period at the end of para-  
8 graph (12) and inserting a semicolon; and

9 (3) by adding at the end the following:

10 “(13) expand access to domestic violence shel-  
11 ters and programs for older individuals and encour-  
12 age the use of senior housing, nursing homes, or  
13 other suitable facilities or services when appropriate  
14 as emergency short-term shelters or measures for  
15 older individuals who are the victims of elder abuse,  
16 including domestic violence, and sexual assault,  
17 against older individuals; and

18 “(14) promote research on legal, organizational,  
19 or training impediments to providing services to  
20 older individuals through shelters, such as impedi-  
21 ments to provision of the services in coordination  
22 with delivery of health care or senior services.”.

23 **SEC. 605-6. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) OMBUDSMAN PROGRAM.—Section 702(a) of the  
25 Older Americans Act of 1965 (42 U.S.C. 3058a(a)) is  
26 amended to read as follows:

1       “(a) OMBUDSMAN PROGRAM.—There are authorized  
 2 to be appropriated to carry out chapter 2 such sums as  
 3 may be necessary without fiscal year limitation.”.

4       (b) ELDER ABUSE PREVENTION PROGRAM.—Section  
 5 702(b) of the Older Americans Act of 1965 (42 U.S.C.  
 6 3058a(b)) is amended to read as follows:

7       “(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND  
 8 EXPLOITATION.—There are authorized to be appropriated  
 9 to carry out chapter 3 such sums as may be necessary  
 10 without fiscal year limitation.”.

11 **SEC. 605-7. COMMUNITY INITIATIVES AND OUTREACH.**

12       Title VII of the Older Americans Act of 1965 (42  
 13 U.S.C. 3058 et seq.) is amended—

14               (1) by redesignating subtitle C as subtitle D;

15               (2) by redesignating sections 761 through 764  
 16 as sections 771 through 774, respectively; and

17               (3) by inserting after subtitle B the following:

18 **“Subtitle C—Community Initiatives**  
 19 **and Outreach**

20 **“SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER**  
 21 **ABUSE, NEGLECT, AND EXPLOITATION.**

22       “The Secretary shall make grants to nonprofit pri-  
 23 vate organizations to support projects in local commu-  
 24 nities, involving diverse sectors of each community, to co-  
 25 ordinate activities concerning intervention in and preven-

1 tion of elder abuse, neglect, and exploitation, including do-  
2 mestic violence, and sexual assault, against older individ-  
3 uals.

4 **“SEC. 762. OUTREACH TO OLDER INDIVIDUALS.**

5       “The Secretary shall make grants to develop and im-  
6 plement outreach programs directed toward assisting older  
7 individuals who are victims of elder abuse, neglect, and  
8 exploitation (including domestic violence, and sexual as-  
9 sault, against older individuals), including programs di-  
10 rected toward assisting the individuals in senior housing  
11 complexes and senior centers.

12 **“SEC. 763. AUTHORIZATION OF APPROPRIATIONS.**

13       “There are authorized to be appropriated to carry out  
14 this subtitle such sums as may be necessary without fiscal  
15 year limitation.”.

16 **CHAPTER 4—PUBLIC HEALTH SERVICE**  
17 **ACT**

18 **SEC. 606–1. SHORT TITLE.**

19       This title may be cited as the “Elder Abuse Identi-  
20 fication and Referral Act of 1998”.

1 **SEC. 606-2. ESTABLISHMENT, FOR CERTAIN HEALTH PRO-**  
2 **FESSIONS PROGRAMS, OF PROVISIONS RE-**  
3 **GARDING IDENTIFICATION AND REFERRAL**  
4 **FOR ELDER ABUSE AND NEGLECT.**

5 (a) TITLE VII PROGRAMS; PREFERENCES IN FINAN-  
6 CIAL AWARDS.—Section 791 of the Public Health Service  
7 Act (42 U.S.C. 295j), as amended in title VIII of this Act,  
8 is amended by redesignating subsection (d) as subsection  
9 (e) and by inserting after subsection (c) the following sub-  
10 section:

11 “(d) PREFERENCES REGARDING TRAINING IN IDEN-  
12 TIFICATION AND REFERRAL OF VICTIMS OF ELDER  
13 ABUSE AND NEGLECT.—

14 “(1) IN GENERAL.—In the case of a health pro-  
15 fessions entity specified in paragraph (2), the Sec-  
16 retary shall, in making awards of grants or contracts  
17 under this title, give preference to any such entity  
18 (if otherwise a qualified applicant for the award in-  
19 volved) that has in effect the requirement that, as a  
20 condition of receiving a degree or certificate (as ap-  
21 plicable) from the entity, each student have had sig-  
22 nificant training (such as training conducted in ac-  
23 cordance with curricula or programs authorized  
24 under section 411(f) of the Older Americans Act of  
25 1965 (42 U.S.C. 3031(f))), in carrying out the fol-  
26 lowing functions as a provider of health care:

1           “(A) Identifying victims of elder abuse and  
2           neglect, including domestic violence, and sexual  
3           assault, against older individuals, and maintain-  
4           ing complete medical records that include docu-  
5           mentation of the examination, treatment given,  
6           and referrals made, and recording the location  
7           and nature of the victim’s injuries.

8           “(B) Examining and treating such victims,  
9           within the scope of the health professional’s dis-  
10          cipline, training, and practice, including, at a  
11          minimum, providing medical advice regarding  
12          the dynamics and nature of elder abuse and ne-  
13          glect.

14          “(C) Referring the victims to public and  
15          nonprofit private entities that provide services  
16          for such victims.

17          “(2) RELEVANT HEALTH PROFESSIONS ENTI-  
18          TIES.—For purposes of paragraph (1), a health pro-  
19          fessions entity specified in this paragraph is any en-  
20          tity that is a school of medicine, a school of osteo-  
21          pathic medicine, a graduate program in mental  
22          health practice, a school of nursing (as defined in  
23          section 298b), a program for the training of physi-  
24          cian assistants, or a program for the training of al-  
25          lied health professionals.

1           “(3) REPORT TO CONGRESS.—Not later than 2  
2       years after the date of the enactment of the Elder  
3       Abuse Identification and Referral Act of 1998, the  
4       Secretary shall submit to the Committee on Com-  
5       merce of the House of Representatives, and the  
6       Committee on Labor and Human Resources of the  
7       Senate, a report specifying—

8           “(A) the health professions entities that  
9       are receiving preference under paragraph (1);

10          “(B) the number of hours of training re-  
11       quired by the entities for purposes of such  
12       paragraph;

13          “(C) the extent of clinical experience so re-  
14       quired; and

15          “(D) the types of courses through which  
16       the training is being provided.

17       “(4) DEFINITIONS.—In this subsection:

18           “(A) IN GENERAL.—The terms ‘abuse’,  
19       ‘neglect’, ‘domestic violence’, and ‘older individ-  
20       ual’ have the meanings given the terms in sec-  
21       tion 102 of the Older Americans Act of 1965  
22       (42 U.S.C. 3002).

23           “(B) ELDER ABUSE AND NEGLECT.—The  
24       term ‘elder abuse and neglect’ means abuse and  
25       neglect of an older individual.



1                   “(C) SEXUAL ASSAULT.—The term ‘sexual  
2                   assault’ has the meaning given the term in sec-  
3                   tion 2003 of the Omnibus Crime Control and  
4                   Safe Streets Act of 1968 (42 U.S.C. 3796gg–  
5                   2).”.

6           (b) TITLE VIII PROGRAMS; PREFERENCES IN FI-  
7           NANCIAL AWARDS.—Section 860 of the Public Health  
8           Service Act (42 U.S.C. 298b–7) as amended by title VIII  
9           of this Act is amended by adding at the end the following:  
10          “(g) PREFERENCES REGARDING TRAINING IN IDEN-  
11          TIFICATION AND REFERRAL OF VICTIMS OF ELDER  
12          ABUSE AND NEGLECT.—

13               “(1) IN GENERAL.—In the case of a health pro-  
14               fessions entity specified in paragraph (2), the Sec-  
15               retary shall, in making awards of grants or contracts  
16               under this title, give preference to any such entity  
17               (if otherwise a qualified applicant for the award in-  
18               volved) that has in effect the requirement that, as a  
19               condition of receiving a degree or certificate (as ap-  
20               plicable) from the entity, each student have had sig-  
21               nificant training (such as training conducted in ac-  
22               cordance with curricula or programs authorized  
23               under section 411(g) of the Older Americans Act of  
24               1965 (42 U.S.C. 3031(f))), in carrying out the fol-  
25               lowing functions as a provider of health care:

1           “(A) Identifying victims of elder abuse and  
2           neglect, including domestic violence, and sexual  
3           assault, against older individuals, and maintain-  
4           ing complete medical records that include docu-  
5           mentation of the examination, treatment given,  
6           and referrals made, and recording the location  
7           and nature of the victim’s injuries.

8           “(B) Examining and treating such victims,  
9           within the scope of the health professional’s dis-  
10          cipline, training, and practice, including, at a  
11          minimum, providing medical advice regarding  
12          the dynamics and nature of elder abuse and ne-  
13          glect.

14          “(C) Referring the victims to public and  
15          nonprofit private entities that provide services  
16          for such victims.

17          “(2) RELEVANT HEALTH PROFESSIONS ENTI-  
18          TIES.—For purposes of paragraph (1), a health pro-  
19          fessions entity specified in this paragraph is any en-  
20          tity that is a school of nursing or other public or  
21          nonprofit private entity that is eligible to receive an  
22          award described in such paragraph.

23          “(3) REPORT TO CONGRESS.—Not later than 2  
24          years after the date of the enactment of the Elder  
25          Abuse Identification and Referral Act of 1998, the

1 Secretary shall submit to the Committee on Com-  
2 merce of the House of Representatives, and the  
3 Committee on Labor and Human Resources of the  
4 Senate, a report specifying—

5 “(A) the health professions entities that  
6 are receiving preference under paragraph (1);

7 “(B) the number of hours of training re-  
8 quired by the entities for purposes of such  
9 paragraph;

10 “(C) the extent of clinical experience so re-  
11 quired; and

12 “(D) the types of courses through which  
13 the training is being provided.

14 “(4) DEFINITIONS.—In this subsection:

15 “(A) IN GENERAL.—The terms ‘abuse’,  
16 ‘neglect’, ‘domestic violence’, and ‘older individ-  
17 ual’ have the meanings given the terms in sec-  
18 tion 102 of the Older Americans Act of 1965  
19 (42 U.S.C. 3002).

20 “(B) ELDER ABUSE AND NEGLECT.—The  
21 term ‘elder abuse and neglect’ means abuse and  
22 neglect of an older individual.

23 “(C) SEXUAL ASSAULT.—The term ‘sexual  
24 assault’ has the meaning given the term in sec-  
25 tion 2003 of the Omnibus Crime Control and

1 Safe Streets Act of 1968 (42 U.S.C. 3796gg–  
2 2).”.

3 (c) CONFORMING AMENDMENT.—Section 411(f) of  
4 the Older Americans Act of 1965 (as added by section  
5 605–4) is amended by adding at the end the following:  
6 “(3) In carrying out paragraph (1), the Secretary  
7 shall provide information about the curricula and training  
8 programs to entities described in sections 791(c)(2) and  
9 860(f)(2) of the Public Health Service Act (42 U.S.C.  
10 295j(c)(2) and 298b–7(f)(2)) that seek grants or con-  
11 tracts under title VII or VIII of such Act.”.

12 **Subtitle B—Protection Against Vio-**  
13 **lence and Abuse for Women**  
14 **With Disabilities**

15 **SEC. 611. SHORT TITLE.**

16 This subtitle may be cited as the “Protections  
17 Against Violence and Abuse for Women With Disabilities  
18 Act”.

19 **SEC. 612. FINDINGS.**

20 The Congress finds that—

21 (1) women with disabilities are more likely to be  
22 the victims of abuse and violence than women with-  
23 out disabilities because of their increased physical,  
24 economic, social, or psychological dependence on oth-  
25 ers;

1           (2) in domestic violence cases, women with dis-  
2           abilities stay with their batterers almost twice as  
3           long as women without disabilities;

4           (3) violence and abuse against women with dis-  
5           abilities takes many forms, including verbal abuse,  
6           physical abuse, sexual assault, forced isolation, con-  
7           trol over economic resources, and the withholding of  
8           equipment, medication, transportation, or personal  
9           care assistance;

10          (4) many women with disabilities fail to report  
11          abuse because they are dependent on their abusers  
12          and fear being abandoned or institutionalized;

13          (5) many women with disabilities are unable to  
14          leave abuse or violent spouses or cohabitants because  
15          of the inaccessibility of services or the fear of aban-  
16          doning dependent children; and

17          (6) law enforcement, the criminal justice sys-  
18          tem, legal services, and victim services are often not  
19          equipped or trained to effectively identify and re-  
20          spond to abuse or violence against women with dis-  
21          abilities.

22 **SEC. 613. OMNIBUS CRIME CONTROL AND SAFE STREETS**  
23 **ACT OF 1968.**

24          Section 2001(b) of the Omnibus Crime Control and  
25          Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amend-

1 ed in paragraph (5) by striking “and domestic violence;”  
2 and inserting “, domestic violence, and the forms of vio-  
3 lence and abuse particularly suffered by women with dis-  
4 abilities;”.

5 **SEC. 614. PUBLIC HEALTH AND HUMAN SERVICES ACT.**

6 Section 1910A(5) of the Public Health and Human  
7 Services Act (42 U.S.C. 300w–10(a)(5)) is amended by  
8 striking the period at the end of paragraph (5) and insert-  
9 ing “, and among persons with disabilities.”.

10 **SEC. 615. FAMILY VIOLENCE PREVENTION AND SERVICES**  
11 **ACT.**

12 Section 318(b)(2) of the Family Violence Prevention  
13 and Services Act (42 U.S.C. 10418(b)(2)) is amended—

14 (1) by striking “and” at the end of subpara-  
15 graph (G);

16 (2) by redesignating subparagraph (H) as sub-  
17 paragraph (I); and

18 (3) by inserting after subparagraph (G) the fol-  
19 lowing new subparagraph:

20 “(H) groups that provide services to or ad-  
21 vocate on behalf of persons with disabilities;  
22 and”.

23 **SEC. 616. VIOLENCE AGAINST WOMEN ACT.**

24 (a) Section 40291(a) of the Safe Homes for Women  
25 Act of 1994 (42 U.S.C. 13961(a)) is amended—

1           (1) by inserting “and toward persons with dis-  
2           abilities,” after “language minority communities”;  
3           and

4           (2) by inserting “, as defined in section 2003(7)  
5           of the Omnibus Crime Control and Safe Streets Act  
6           of 1968 (42 U.S.C. 3796gg-2(7))” after “needs of  
7           underserved populations”.

8           (b) Section 40412 of the Equal Justice for Women  
9           in the Courts Act of 1994 (42 U.S.C. 13992) is amend-  
10          ed—

11           (1) in paragraph (6), by inserting “, stereo-  
12           typing of persons with disabilities who are victims of  
13           rape, sexual assault, abuse, or violence” after “racial  
14           stereotyping of rape victims”;

15           (2) in paragraph (13), by inserting “or among  
16           persons with disabilities,” after “socioeconomic  
17           groups,”;

18           (3) by striking “and” at the end of paragraph  
19           (21) (as amended by title I of this Act);

20           (4) by striking the period at the end of para-  
21           graph (22) (as amended by title I of this Act); and

22           (5) by inserting after paragraph (22) the fol-  
23           lowing:

24           “(23) issues related to violence and abuse  
25           against persons with disabilities, including the na-

1       ture of physical, mental, and communications dis-  
2       abilities; the special vulnerability to violence of per-  
3       sons with disabilities; and the types of violence and  
4       abuse experienced by persons with disabilities;

5           “(24) the requirements placed on courts and  
6       judges under existing disability laws, including the  
7       requirements to provide appropriate auxiliary aids  
8       and services and to ensure physical access; and

9           “(25) the stereotypes regarding the fitness of  
10      persons with disabilities to retain custody of chil-  
11      dren, especially in domestic violence cases.”.

12   **SEC. 617. TRAINING PROGRAMS FOR SOCIAL SERVICE AND**  
13           **HEALTH PROVIDERS.**

14       (a) The Secretary of Health and Human Services  
15      may develop curricula and implement training and con-  
16      tinuing education programs for protective services work-  
17      ers, health providers, social workers, clergy, independent  
18      living center case workers, and other community-based  
19      disability-related service providers to improve their ability  
20      to recognize and address instances of domestic violence di-  
21      rected against women with disabilities.

22       (b) There are authorized to be appropriated to carry  
23      out the purposes of this section \$10,000,000 for each of  
24      fiscal years 1999, 2000, 2001, 2002, and 2003.



1 **SEC. 618. TRAINING FOR HEALTH PROFESSIONALS ON**  
2 **SCREENING FOR ABUSE OF WOMEN WITH**  
3 **DISABILITIES.**

4 (a) The Secretary of Health and Human Services  
5 may make grants and enter into contracts to establish and  
6 carry out the training of health professionals, including  
7 physicians, nurses, physician assistants, and nurse practi-  
8 tioners, to ensure they will receive training in screening  
9 for abuse of women with disabilities and instruction in ap-  
10 propriate actions when cases of abuse are identified.

11 (b) There are authorized to be appropriated to be  
12 used to award grants under this section \$10,000,000 for  
13 each of fiscal years 1999, 2000, 2001, 2002, and 2003.

14 **SEC. 619. RESEARCH ABOUT SEXUAL ABUSE AND VIOLENCE**  
15 **AGAINST WOMEN WITH DISABILITIES.**

16 In establishing research priorities under title IX of  
17 this Act, the Secretary shall consider the importance of  
18 research about the sexual assault of, and violence against,  
19 women with disabilities.

20 **SEC. 619-1. GRANTS FOR TECHNICAL ASSISTANCE.**

21 (a) The Attorney General may establish a grants pro-  
22 gram for States and nongovernmental private entities to  
23 provide education and technical assistance for the purpose  
24 of distributing information on abuse and violence against  
25 women with disabilities. Information shall be distributed  
26 to independent living centers, disability-related service or-

ganizations, domestic violence programs providing shelter or related assistance, other victim services organizations, and to women with disabilities. Education and technical assistance may include providing information on—

(1) what is required of shelters and victim services organizations under the Americans with Disabilities Act and section 504 of the 1973 Rehabilitation Act;

(2) suggestions as to low-cost ways that shelters and victim services may implement the Americans with Disabilities Act; and

(3) the particular nature, definition, and characteristics of violence and abuse experienced by women with disabilities.

(b) There are authorized to be appropriated to carry out the purposes of this section \$10,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

## **Subtitle C—Battered Immigrant Women**

### **SEC. 621. SHORT TITLE.**

This subtitle may be cited as the “Battered Immigrant Women’s Protection Act”.

### **SEC. 622. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

1           (1) the goal of the immigration protections for  
2       battered immigrants included in the Violence  
3       Against Women Act was to remove immigration laws  
4       as a barrier that kept battered immigrant women  
5       and children locked in abusive relationships;

6           (2) providing battered immigrant women and  
7       children who were experiencing domestic violence at  
8       home with protection against deportation allows  
9       them to obtain protection orders against their abus-  
10      ers and frees them to cooperate with law enforce-  
11      ment and prosecutors in criminal cases brought  
12      against their abusers and the abusers of their chil-  
13      dren; and

14          (3) there are several groups of battered immi-  
15      grant women and children who do not have access  
16      to VAWA's immigration protections, which means  
17      that their abusers are virtually immune from pros-  
18      ecution because their victims can be deported and  
19      the Immigration and Naturalization Service cannot  
20      offer them protection no matter how compelling  
21      their case under existing law.

22      (b) PURPOSES.—The purposes of this subtitle are—

23          (1) to promote criminal prosecutions of all per-  
24      sons who commit acts of battery or extreme cruelty  
25      against immigrant women and children;

1           (2) to offer protection against domestic violence  
2           occurring in family and intimate relationships that  
3           are covered in State protection order, domestic vio-  
4           lence, and family law statutes; and

5           (3) to correct erosions of Violence Against  
6           Women Act immigration protections that occurred  
7           as a result of the Illegal Immigration Reform and  
8           Immigrant Responsibility Act of 1996.

9           (c) SENSE OF CONGRESS.—It is contrary to the law  
10          enforcement purposes of the Violence Against Women Act  
11          for State law enforcement officers, prosecutors, or judges  
12          to inquire into the immigration status of a domestic vio-  
13          lence victim who is seeking protection from crimes of do-  
14          mestic violence, battering, or extreme cruelty that are  
15          being committed against the immigrant or her children,  
16          and for law enforcement officers, prosecutors, or courts  
17          to report domestic violence victims to the Immigration and  
18          Naturalization Service.

19      **SEC. 623. CANCELLATION OF REMOVAL AND ADJUSTMENT**  
20                              **OF STATUS FOR CERTAIN NONPERMANENT**  
21                              **RESIDENTS.**

22          (a) Section 240A(b)(2) of the Immigration and Na-  
23          tionality Act is amended to read as follows:

24                      “(2) SPECIAL RULE FOR BATTERED SPOUSE OR  
25                      CHILD.—

1           “(A) IN GENERAL.—The Attorney General  
2           may cancel removal of, and adjust to the status  
3           of an alien lawfully admitted for permanent res-  
4           idence, an alien who is inadmissible or deport-  
5           able from the United States if the alien dem-  
6           onstrates that—

7                   “(i) the alien has been battered or  
8                   subjected to extreme cruelty in the United  
9                   States by a spouse, parent, son, or daugh-  
10                  ter who is a United States citizen (or is  
11                  the parent of a child of a United States  
12                  citizen and the child has been battered or  
13                  subjected to extreme cruelty in the United  
14                  States by such citizen parent), or by a  
15                  United States citizen who filed a non-  
16                  immigrant visa for the alien under section  
17                  101(a)(15)(K) who has not married the  
18                  alien or has married the alien more than  
19                  90 days after the alien’s entry, or by a  
20                  spouse or parent who is a lawful perma-  
21                  nent resident (or is the parent of a child  
22                  of a lawful permanent resident and the  
23                  child has been battered or subjected to ex-  
24                  treme cruelty in the United States by such  
25                  permanent resident parent), or by a United

1 States citizen or lawful permanent resident  
2 whom the alien intended to marry, but  
3 who's marriage is not legitimate because of  
4 that United States citizen or lawful perma-  
5 nent resident's bigamy, or by a non-  
6 immigrant visa holder;

7 “(ii) the alien has been physically  
8 present in the United States for a continu-  
9 ous period of not less than 3 years imme-  
10 diately preceding the date of such applica-  
11 tion; the issuance of a charging document  
12 for removal proceedings shall not toll the  
13 3-year period of continuous physical pres-  
14 ence in the United States;

15 “(iii) the alien has been a person of  
16 good moral character during such period;  
17 and

18 “(iv) the alien is not inadmissible  
19 under paragraph (2) or (3) of section  
20 212(a), is not deportable under paragraph  
21 (1)(G) or (2) through (4) of section  
22 237(a), and has not been convicted of an  
23 aggravated felony, unless the Attorney  
24 General in the exercise of discretion waives  
25 application of this clause for humanitarian

1 purposes, to assure family unity or when  
2 it is otherwise in the public interest, in the  
3 exercise of discretion.

4 In acting on applications under this paragraph, the  
5 Attorney General shall consider any credible evi-  
6 dence relevant to the application. The determination  
7 of what evidence is credible and the weight to be  
8 given that evidence shall be within the sole discretion  
9 of the Attorney General. The amendment made by  
10 clause (ii) shall take effect as if included in the en-  
11 actment of section 304 of the Illegal Immigration  
12 Reform and Immigrant Responsibility Act of 1996  
13 (Public Law 104–208; 110 Stat. 587).

14 “(B) GOOD MORAL CHARACTER DETER-  
15 MINATIONS.—For the purposes of making ‘good  
16 moral character’ determinations under this sec-  
17 tion, the Attorney General may waive the bar to  
18 issuing a finding of good moral character in the  
19 case of an alien who has been battered or sub-  
20 jected to extreme cruelty but who has also been  
21 convicted of, or who pled guilty to, violating a  
22 court order issued to protect the alien or forced  
23 prostitution, or who committed, or who was  
24 convicted of or pled guilty to committing a  
25 crime if the alien committed the crime under

1           duress from the person who battered or sub-  
2           jected the alien to extreme cruelty, or to a do-  
3           mestic violence-related crime when the Attorney  
4           General determines that the alien acted in self-  
5           defense. After finding that an alien has been  
6           battered or subject to extreme cruelty and is  
7           otherwise eligible for relief under this para-  
8           graph, the Attorney General may enter a find-  
9           ing of ‘good moral character’ despite the exist-  
10          ence of a disqualifying criminal act or a crimi-  
11          nal conviction.

12           “(C) INCLUSION OF OTHER ALIENS IN PETI-  
13          TION.—An alien applying for relief under section  
14          244(a)(3) (as in effect before the enactment of the  
15          Illegal Immigration Reform and Immigrant Respon-  
16          sibility Act of 1996) or this paragraph may include  
17          alien children, sons, or daughters in their applica-  
18          tions and the Attorney General may adjust the sta-  
19          tus of the alien’s children, sons, daughters, or in the  
20          case of an application filed by an alien child, par-  
21          ent.”.

22           (b) Section 240A(d)(2) of the Immigration and Na-  
23          tionality Act is amended to read as follows:

24           “(2) An alien shall be considered to have failed  
25          to maintain continuous physical presence in the



1 United States under subsections (b)(1) and (b)(2) if  
2 the alien has departed from the United States for  
3 any period in excess of 90 days or for periods in the  
4 aggregate exceeding 180 days. In the case of an  
5 alien who has been battered or subjected to extreme  
6 cruelty, the Attorney General may waive the provi-  
7 sions of this section for humanitarian purposes.”.

8 (c) Section 244(a)(3) of the Immigration and Nation-  
9 ality Act (as in effect before the enactment of the Illegal  
10 Immigration Reform and Immigrant Responsibility Act of  
11 1996) is amended by adding at the end the following new  
12 subparagraph:

13 “(I)(i) For the purposes of making good  
14 moral character determinations under this sec-  
15 tion, the Attorney General may waive the bar to  
16 issuing a finding of good moral character in the  
17 case of an alien who has been battered or sub-  
18 jected to extreme cruelty but who has also been  
19 convicted of, or who pled guilty to, violating a  
20 court order issued to protect the alien or forced  
21 prostitution or committed or who was convicted  
22 of or pled guilty to committing a crime under  
23 duress from the person who battered or sub-  
24 jected the alien to extreme cruelty, or who was  
25 convicted of or pled guilty to a domestic vio-

1           lence-related crime if the Attorney General de-  
2           termines that the alien acted in self-defense.

3           “(ii) After finding that an alien has been  
4           battered or subjected to extreme cruelty and  
5           would otherwise qualify for relief under this sec-  
6           tion, the Attorney General may in his or her  
7           sole discretion enter a finding of good moral  
8           character despite the existence of a disqualify-  
9           ing criminal act or a criminal conviction.”.

10          (d) Section 240A(b)(2) of the Immigration and Na-  
11          tionality Act is amended—

12           (1) by inserting “and the alien’s children, sons,  
13          or daughters if the alien” after “alien lawfully ad-  
14          mitted for permanent residence, an alien”;

15           (2) by striking “who” before “is inadmissible or  
16          deportable”; and

17           (3) by inserting “and” before “if the alien dem-  
18          onstrates that—”.

19          (e)(1) Section 244(a)(3) of the Immigration and Na-  
20          tionality Act (as in effect before the enactment of the Ille-  
21          gal Immigration Reform and Immigrant Responsibility  
22          Act of 1996) is amended by inserting “, son or daughter  
23          who is a United States citizen” after “(or is the parent  
24          of a child of a United States citizen or lawful permanent  
25          resident and the child has been battered or subjected to

1 extreme cruelty in the United States by such citizen or  
2 permanent resident parent)”.’

3 (2) Section 244(a)(3) of the Immigration and Nation-  
4 ality Act (as in effect before the enactment of the Illegal  
5 Immigration Reform and Immigrant Responsibility Act of  
6 1996) is amended by striking “child” at the end and in-  
7 serting “son or daughter”.

8 (f) Section 244(a)(3) of the Immigration and Nation-  
9 ality Act (as in effect before the enactment of the Illegal  
10 Immigration Reform and Immigrant Responsibility Act of  
11 1996) is amended by striking all that follows “and is a  
12 person of good moral character.”.

13 (g) Section 244(a)(3) of the Immigration and Nation-  
14 ality Act (as in effect before the enactment of the Illegal  
15 Immigration Reform and Immigrant Responsibility Act of  
16 1996) is amended by adding at the end the following:  
17 “The Attorney General, in his or her discretion, may de-  
18 termine that an alien may apply for benefits under this  
19 subparagraph notwithstanding the fact that he or she is  
20 deportable under paragraph (2) of section 237(a), for hu-  
21 manitarian purposes, to assure family unity or when it is  
22 otherwise in the public interest.”.

23 (h) Section 244(a)(3) of the Immigration and Nation-  
24 ality Act (as in effect before the title III–A effective date  
25 of the Illegal Immigration Reform and Immigrant Respon-

1 sibility Act of 1996 (Public Law 104–208; division C; 110  
 2 Stat. 3009–625)) is amended by adding at the end the  
 3 following: “The Attorney General may waive the physical  
 4 presence requirement for humanitarian purposes.”.

5 (i)(1) IN GENERAL.—Section 309(c)(5)(C) of the Il-  
 6 legal Immigration Reform and Immigrant Responsibility  
 7 Act of 1996 (8 U.S.C. 1101 note) (as amended by section  
 8 203 of the Nicaraguan Adjustment and Central American  
 9 Relief Act) is amended

10 (A) by amending the subparagraph heading to  
 11 read as follows:

12 “(C) SPECIAL RULE FOR CERTAIN ALIENS  
 13 GRANTED TEMPORARY PROTECTION FROM DE-  
 14 PORTATION AND FOR BATTERED SPOUSES AND  
 15 CHILDREN.—”; and

16 (B) in clause (i)—

17 (i) by striking “or” at the end of subclause  
 18 (IV);

19 (ii) by striking the period at the end of  
 20 subclause (V) and inserting “; or”; and

21 (iii) by adding at the end the following:

22 “(VI) is an alien who was issued  
 23 an order to show cause or was in de-  
 24 portation proceedings prior to April 1,  
 25 1997, and who applied for suspension

1 of deportation under section 244(a)(3)  
2 of the Immigration and Nationality  
3 Act (as in effect before the date of the  
4 enactment of the Act).”.

5 (2) EFFECTIVE DATE.—The amendments made by  
6 paragraph (1) shall take effect as if included in the enact-  
7 ment of section 309 of the Illegal Immigration Reform and  
8 Immigrant Responsibility Act of 1996 (8 U.S.C. 1101  
9 note).

10 **SEC. 624. GENERAL CLASSES OF ALIENS INELIGIBLE TO RE-**  
11 **CEIVE VISAS AND EXCLUDED FROM ADMIS-**  
12 **SION.**

13 (a) Section 212(a)(9)(A)(iii) of the Immigration and  
14 Nationality Act is amended by adding at the end the fol-  
15 lowing:

16 “Clauses (i) and (ii) shall also not apply to aliens to whom  
17 the Attorney General has granted status under section  
18 204(a)(1)(A)(iii), (iv), or (v) or classification under sec-  
19 tion 204(a)(1)(B)(ii) or (iii).”.

20 (b) Section 212(a)(6)(A)(ii) of the Immigration and  
21 Nationality Act is amended by striking subclause (III).

22 (c) Section 212(a)(9)(B)(iii)(IV) of the Immigration  
23 and Nationality Act is amended by striking “if ‘violation  
24 of the terms of the alien’s nonimmigrant visa’ were sub-

stituted for ‘unlawful entry into the United States’ in sub-clause (III) of that paragraph”.

(d) Section 212(a)(6)(A)(ii)(I) of the Immigration and Nationality Act is amended by inserting “(A)(v),” after “(A)(iv)”.

(e)(1) Section 212(a)(6)(A)(ii)(II)(a) of the Immigration and Nationality Act is amended by striking “by a spouse or parent or by a member of the spouse or parent’s family residing in the same household as the alien and the spouse or parent consented to, or acquiesced in, such battering or cruelty” and inserting “by a spouse, parent, son, or daughter, or by any person having a relationship with the alien covered by the civil or criminal domestic violence statutes of the State or Indian country where the alien resides, or the State or Indian country in which the alien, the alien’s child, or the alien child’s parent received a protection order, any individual against whom the alien could obtain a protection order”.

(2) Section 212(a)(6)(A)(ii)(II)(b) of the Immigration and Nationality Act is amended by striking “or by a member of the spouse’s or parent’s family residing in the same household as the alien when the spouse or parent consented to or acquiesced in such battery or cruelty” and inserting “or by any person having a relationship with the alien covered by the civil or criminal domestic violence

1 statutes of the State or Indian country where the alien  
2 resides, or the State or Indian country in which the alien,  
3 the alien's child, or the alien child's parent received a pro-  
4 tection order, any individual against whom the alien could  
5 obtain a protection order”.

6 (f) Section 212(a)(4) of the Immigration and Nation-  
7 ality Act is amended by adding at the end the following  
8 new subparagraph:

9 “(E) EXCEPTION.—Subparagraph (A)  
10 shall not apply to—

11 “(i) an alien who qualifies for status  
12 as a spouse, parent, or child of a United  
13 States citizen or lawful permanent resident  
14 pursuant to clause (iii), (iv), or (v) of sec-  
15 tion 204(a)(1)(A) or clause (ii) or (iii) of  
16 section 204(a)(1)(B);

17 “(ii) an alien who qualifies for status  
18 as the spouse, parent, or child of a United  
19 States citizen or lawful permanent resident  
20 under section 204(a)(1)(A)(i) or (ii) or sec-  
21 tion 204(a)(1)(B)(i) and who has been bat-  
22 tered or subjected to extreme cruelty shall  
23 be exempted from the provisions of this  
24 paragraph, as shall derivative children in-  
25 cluded in the alien's application ‘of an

1 alien lawfully admitted for permanent resi-  
2 dence'; or

3 “(iii) derivatives of aliens under clause  
4 (i) or (ii) of this subparagraph.”.

5 (g) Section 212(a)(9)(C)(ii) of the Immigration and  
6 Nationality Act is amended by inserting “to an alien de-  
7 scribed in paragraph (6)(A)(ii)(I) and (II), or” after  
8 “clause (i) shall not apply”.

9 (h) Section 212(i) of the Immigration and National-  
10 ity Act is amended—

11 (1) in paragraph (1), by inserting before the pe-  
12 riod at the end the following: “or in the case of an  
13 alien granted status under section 204(a)(1)(A)(iii),  
14 (iv), or (v) or classification under section  
15 204(a)(1)(B)(ii) or (iii), the alien demonstrates ex-  
16 treme hardship to the alien or the alien’s United  
17 States citizen or lawful permanent resident parent,  
18 child, son, or daughter”; and

19 (2) by adding at the end the following:

20 “(3) The Attorney General may also waive the appli-  
21 cation of clause (ii) of subsection (a)(6)(C) in the case  
22 of an alien who qualifies for status under clause (iii), (iv),  
23 or (v) of section 204(a)(1)(A) or classification under  
24 clause (ii) or (iii) of section 204(a)(1)(B), for humani-



1 tarian purposes, to assure family unity or when it is other-  
2 wise in the public interest.”.

3 (i) Section 212(a)(6)(G) of the Immigration and Na-  
4 tionality Act is amended by adding immediately before the  
5 period at the end the following:

6 “, unless the nonimmigrant qualifies for relief because of  
7 battering or extreme cruelty under section  
8 204(a)(1)(A)(iii), (iv), or (v), 204(a)(1)(B)(ii) or (iii), or  
9 section 240A(b)(2)”.

10 (j) Section 212(g) of the Immigration and National-  
11 ity Act is amended by adding at the end the following new  
12 paragraph:

13 “(4) subsection (a)(1)(A)(iv) in the case of any  
14 alien granted status under section 204(a)(1)(A)(iii),  
15 (iv), or (v) or classification under section  
16 204(a)(1)(B)(ii) or (iii) when the alien demonstrates  
17 a substantial connection between the battering or ex-  
18 treme cruelty and use of alcohol or illicit sub-  
19 stances.”

20 (k)(1) Section 212(h)(1)(B) of the Immigration and  
21 Nationality Act is amended by deleting “and” at the end  
22 and replacing it with “or”.

23 (2) Section 212(h)(1) of the Immigration and Na-  
24 tionality Act is amended by adding the following new sub-  
25 paragraph after subparagraph (B):

1           “(C) In the case of an alien who qualifies  
2           for status under clause (iii), (iv), or (v) of sec-  
3           tion 204(a)(1)(A) or classification under clause  
4           (ii) or (iii) of section 204(a)(1)(B) if it is estab-  
5           lished to the satisfaction of the Attorney Gen-  
6           eral that the alien’s denial of admissibility  
7           would result in extreme hardship to the alien or  
8           the alien’s United States citizen or lawful per-  
9           manent resident parent, child, son, or daugh-  
10          ter”.

11          (3) Section 212(h) of the Immigration and National-  
12          ity Act is amended by adding at the end the following new  
13          paragraph:

14               “(3) SPECIAL RULE FOR BATTERED IMMIGRANT  
15          WOMEN AND CHILDREN.—The Attorney General, in  
16          her discretion, may waive the application of sub-  
17          section (a)(2) in the case of an alien granted status  
18          under section 204(a)(1)(A)(iii), (iv), or (v) and sec-  
19          tion 204(a)(1)(B)(ii) or (iii) for humanitarian pur-  
20          poses, to assure family unity or when it is otherwise  
21          in the public interest.”.

22          (l) Section 212(a)(2)(A)(ii) is amended—

23               (1) in subclause (II), by striking the period and  
24          inserting “, or”; and

25               (2) by adding after subclause (II) the following:

1 “(III) the crime was committed  
2 by the alien acting in self-defense or  
3 under duress caused by a person who  
4 subjected the alien to battering or ex-  
5 treme cruelty.”.

6 **SEC. 625. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

7 (a) Section 204(a)(1)(A) of the Immigration and Na-  
8 tionality Act is amended by adding at the end the follow-  
9 ing new clause:

10 “(vi)(I) For the purposes of making  
11 good moral character determinations under  
12 this section, the Attorney General may  
13 waive the bar to issuing a finding of ‘good  
14 moral character’ in the case of an alien  
15 who otherwise qualifies for relief under  
16 section 204(a)(1)(A)(iii), (iv), and (v), but  
17 who has also been convicted of, or who  
18 pled guilty to, violating a court order  
19 issued to protect the alien or forced pros-  
20 titution, or committed or who was con-  
21 victed of or pled guilty to committing a  
22 crime under duress from the person who  
23 battered or subjected the alien to extreme  
24 cruelty, or to a domestic violence-related

1 crime, when the Attorney General deter-  
2 mines that the alien acted in self-defense.

3 “(II) After finding that an alien has  
4 been battered or subjected to extreme cru-  
5 elty and is otherwise eligible for relief  
6 under section 204(a)(1)(A)(iii), (iv), or (v),  
7 the Attorney General may enter a finding  
8 of ‘good moral character’ despite the exist-  
9 ence of a disqualifying criminal act or  
10 criminal conviction.”.

11 (b) Section 204(a)(1)(B) of the Immigration and Na-  
12 tionality Act is amended by adding at the end the follow-  
13 ing new clause:

14 “(iv)(I) For the purposes of making  
15 good moral character determinations under  
16 this section, the Attorney General may  
17 waive the bar to issuing a finding of good  
18 moral character in the case of an alien who  
19 otherwise qualifies for relief under section  
20 204(a)(1)(B)(ii) and (iii), but who has also  
21 been convicted of, or who pled guilty to,  
22 violating a court order issued to protect  
23 the alien or forced prostitution, or commit-  
24 ted or was convicted of or pled guilty to  
25 committing a crime under duress from the

1 person who battered or subjected the alien  
2 to extreme cruelty, or to a domestic vio-  
3 lence-related crime, when the Attorney  
4 General determines that the alien acted in  
5 self-defense.

6 “(II) After finding that an alien has  
7 been battered or subjected to extreme cru-  
8 elty and is otherwise eligible for relief  
9 under section 204(a)(1)(B)(ii) and (iii),  
10 the Attorney General may in his or her  
11 sole discretion enter a finding of good  
12 moral character despite the existence of a  
13 disqualifying criminal act or criminal con-  
14 viction.”.

15 (c) Section 204(a)(1)(A) of the Immigration and Na-  
16 tionality Act is amended by adding at the end the follow-  
17 ing new clause:

18 “(vii) For the purposes of petitions  
19 filed under section 204(a)(1)(A)(iii) and  
20 (iv), loss or renunciation or changes to the  
21 abuser’s citizenship status after filing of  
22 the petition shall not preclude the cat-  
23 egorization of the eligible self-petitioning  
24 spouse or children as an immediate rel-  
25 ative.”.

1       (d) Section 204(a)(1)(B) of the Immigration and Na-  
2       tionality Act is amended by adding at the end the follow-  
3       ing new clause:

4                       “(v)(I) For the purposes of petitions  
5                       filed or approved under section  
6                       204(a)(1)(B)(ii) and (iii), changes in the  
7                       immigration status of a lawful permanent  
8                       resident spouse or parent subsequent to  
9                       the filing of a petition under these sections  
10                      shall not adversely affect adjudication of  
11                      the petition and for approved petitions,  
12                      shall not affect the alien’s ability to adjust  
13                      status under section 245(a) or obtain sta-  
14                      tus as a lawful permanent resident based  
15                      on the approved self-petition under section  
16                      204(a)(1)(B)(ii) and (iii).

17                      “(II) Upon the lawful permanent resi-  
18                      dent spouse or parent becoming a United  
19                      States citizen through naturalization, ac-  
20                      quisition of citizenship, or other means,  
21                      any petition filed with the Immigration  
22                      and Naturalization Service, and pending or  
23                      approved under section 204(a)(1)(B) on  
24                      behalf of an alien who has been battered or  
25                      subjected to extreme cruelty to be auto-

1           matically reclassified as a petition filed  
2           under section 204(a)(1)(A) of this Act  
3           even if the reclassification occurs after di-  
4           vorce.”.

5           (e) Section 204(a)(1)(A)(iii) of the Immigration and  
6   Nationality Act is amended to read as follows:

7           “(iii) An alien who—

8                   “(I) is the spouse of a citizen of  
9                   the United States, or intended spouse  
10                  of a citizen of the United States, who  
11                  is the beneficiary of a nonimmigrant  
12                  visa filed for the alien by a United  
13                  States citizen under section  
14                  101(a)(15)(K), but did not marry the  
15                  citizen within 90 days of the alien’s  
16                  entry, or is an illegitimate spouse due  
17                  to the citizen’s bigamy, and is not le-  
18                  gally married to the citizen;

19                  “(II) who is a person of good  
20                  moral character;

21                  “(III) who is eligible to be classi-  
22                  fied as an immediate relative under  
23                  section 201(b)(2)(A)(i) or who would  
24                  have been so classified but for the ac-  
25                  tions of the United States citizen with

1           whom the alien intended to legally  
2           marry; and

3                   “(IV) who has resided in the  
4           United States with the alien’s spouse  
5           or intended spouse,

6           may file a petition with the Attorney Gen-  
7           eral under this subparagraph for classifica-  
8           tion of the alien (and any child of the alien  
9           if such a child has not been classified  
10          under clause (iv)) under such section if the  
11          alien demonstrates to the Attorney General  
12          that the alien is residing in the United  
13          States, the marriage or the intent to marry  
14          the United States citizen or lawful perma-  
15          nent resident batterer was entered into in  
16          good faith by the alien, and during the  
17          marriage or relationship intended by the  
18          alien to be legally a marriage, the alien or  
19          a child of the alien has been battered or  
20          has been the subject of extreme cruelty  
21          perpetrated by the alien’s spouse or in-  
22          tended spouse.”.

23          (f) Section 204(a)(1)(A) of the Immigration and Na-  
24          tionality Act is further amended—



1           (1) by inserting “(or if the alien’s spouse is a  
2       member of the United States Armed Forces sta-  
3       tioned abroad the alien may file a petition at a  
4       United States consulate abroad)” after “Attorney  
5       General” the first place it appears, and;

6           (2) in clause (iii), by inserting “(or has resided  
7       either within or outside the territory of the United  
8       States with the citizen spouse if the alien’s spouse  
9       is a member of the United States Armed Forces)”  
10      after “and who has resided in the United States  
11      with the alien’s spouse”.

12      (g) Section 204(a)(1)(A)(iii)(I) of the Immigration  
13      and Nationality Act is amended by striking “States,” and  
14      inserting “States (unless the alien’s spouse is a member  
15      of the United States military)”.

16      (h) Section 204(a)(1)(A) of the Immigration and Na-  
17      tionality Act is further amended—

18           (1) by inserting “(or if the alien’s parent is a  
19       member of the United States military stationed  
20       abroad the alien may file a petition at a United  
21       States consulate abroad)” after “Attorney General”  
22       the first place it appears; and

23           (2) in clause (iv), by inserting “(or has resided  
24       either within or outside the territory of the United  
25       States with the citizen parent if the alien’s parent

1 is a member of the United States Armed Forces)”  
2 after “and who has resided in the United States  
3 with the citizen parent”.

4 (i) Section 204(a)(1)(A)(iv)(I) of the Immigration  
5 and Nationality Act is amended by inserting “(unless the  
6 alien’s parent is a member of the United States military  
7 stationed abroad)” after “United States”.

8 (j) Section 204(a)(1)(B) of the Immigration and Na-  
9 tionality Act is amended—

10 (1) by inserting “(or if the alien’s spouse is a  
11 member of the United States Armed Forces sta-  
12 tioned abroad the alien may file a petition at a  
13 United States consulate abroad)” after “Attorney  
14 General” the first place it appears; and

15 (2) in clause (ii), by inserting “(or has resided  
16 either within or outside the territory of the United  
17 States with the legal permanent resident spouse if  
18 the alien’s spouse is a member of the United States  
19 Armed Forces)” after “and who has resided in the  
20 United States with the legal permanent resident  
21 spouse”.

22 (k) Section 204(a)(1)(B) of the Immigration and Na-  
23 tionality Act is amended—

24 (1) by inserting “(or if the alien’s parent is a  
25 member of the United States military stationed

1       abroad the alien may file a petition at a United  
2       States consulate abroad)” after “Attorney General”  
3       the first place it appears; and

4               (2) in clause (iii), by inserting “or has resided  
5       either within or outside the territory of the United  
6       States with the permanent resident parent if the  
7       alien’s parent is a member of the United States  
8       Armed Forces )” after “and who has resided in the  
9       United States with the alien’s permanent resident  
10      alien parent.”

11      (l) Section 204(a)(1)(A) of the Immigration and Na-  
12      tionality Act is amended by adding at the end the follow-  
13      ing:

14                   “(v) An alien who is the parent of a  
15                   citizen of the United States, who is a per-  
16                   son of good moral character, who is eligible  
17                   to be classified as an immediate relative  
18                   under section 201(b)(2)(A)(i), and who has  
19                   resided in the United States with citizen  
20                   daughter or son (or has resided either  
21                   within or outside the territory of the of the  
22                   United States with the citizen daughter or  
23                   son if the alien’s daughter or son is a  
24                   member of the United States Armed  
25                   Forces) may file a petition with the Attor-

1           ney General (or if the alien’s daughter or  
2           son is a member of the United States  
3           Armed Forces stationed abroad the alien  
4           may file a petition at a United States con-  
5           sulate abroad) under this subparagraph for  
6           classification of the alien under such sec-  
7           tion if the alien demonstrates to the Attor-  
8           ney General that the alien is residing in  
9           the United States (unless the alien’s son or  
10          daughter is a member of the United States  
11          Armed Forces) and during the period of  
12          residence with the citizen son or daughter  
13          the alien has been battered by or has been  
14          the subject of extreme cruelty perpetrated  
15          by the alien’s citizen son or daughter.”

16          (m) Section 204(a)(1)(A)(iii) of the Immigration and  
17          Nationality Act is further amended by striking “who is  
18          eligible to be classified as an immediate relative under sec-  
19          tion 201(b)(2)(A)(i),” and inserting “who is or would have  
20          been eligible to be classified as an immediate relative  
21          under section 201(b)(2)(A)(i) or who could have been so  
22          classified within 5 years prior to petitioning for immigra-  
23          tion status as an immediate relative under section  
24          201(b)(2)(A)(i),”.

1       (n) Section 204(a)(1)(A)(iv) of the Immigration and  
2 Nationality Act is further amended by striking “who is  
3 eligible to be classified as an immediate relative under sec-  
4 tion 201(b)(2)(A)(i),” and inserting “who is or would have  
5 been eligible to be classified as an immediate relative  
6 under section 201(b)(2)(A)(i) or who could have been so  
7 classified within 5 years prior to petitioning for immigra-  
8 tion status as an immediate relative under section  
9 201(b)(2)(A)(i),”.

10       (o) Section 204(a)(1)(B)(ii) of the Immigration and  
11 Nationality Act is amended by striking “who is eligible  
12 for classification under section 203(a)(2)(A),” and insert-  
13 ing “who is or would have been eligible for classification  
14 as a spouse of a lawful permanent resident under section  
15 203(a)(2)(A), or who could have been so classified within  
16 5 years prior to petitioning for immigration status as a  
17 spouse of a lawful permanent resident under section  
18 203(a)(2)(A),”.

19       (p) Section 204(a)(1)(B)(iii) of the Immigration and  
20 Nationality Act is amended by striking “who is eligible  
21 for classification under section 203(a)(2)(A) as a child of  
22 a lawful permanent resident,” and inserting “who is or  
23 would have been eligible for classification under section  
24 203(a)(2)(A), or who could have been so classified within  
25 5 years prior to petitioning for immigration status as a

1 child of a lawful permanent resident under section  
2 203(a)(2)(A),”.

3 **SEC. 626. GENERAL CLASSES OF DEPORTABLE ALIENS.**

4 (a) Section 237(a)(2)(E) of the Immigration and Na-  
5 tionality Act is amended by inserting at the end the follow-  
6 ing new clause:

7 “(iii) The Attorney General may,  
8 upon determination that the alien was act-  
9 ing in self-defense, that the alien was not  
10 the primary perpetrator of violence in the  
11 relationship, that the alien was found to  
12 have violated a protection order intended  
13 to protect the alien, that the alien was con-  
14 victed of committing a crime under duress  
15 from the person who subjected the alien to  
16 battering or extreme cruelty or for human-  
17 itarian purposes waive application of clause  
18 (i) and clause (ii).”.

19 (b)(1) Section 237(a)(2)(E)(ii) of the Immigration  
20 and Nationality Act is amended by striking “the court de-  
21 termines has engaged in conduct that violates” and insert-  
22 ing “a court has convicted in a criminal prosecution or  
23 a criminal contempt action of violating”.

24 (2) Section 237(a)(2)(E) is amended by adding at the  
25 end the following new clause:

1           “(iii) LIMITED EXCEPTION FOR FIRST  
2           OFFENDERS.—The Attorney General may  
3           waive deportability grounds for any alien  
4           convicted under clause (i) or (ii) of this  
5           subparagraph if the conviction was a first  
6           offense only for aliens who are making  
7           court ordered child support payments to  
8           the crime victim through a State court  
9           (through wage withholding whenever avail-  
10          able) and who are participating in or have  
11          successfully completed a State certified  
12          batterers treatment program. Aliens con-  
13          victed under clause (i) or (ii) for whom the  
14          Attorney General waives deportability shall  
15          again become deportable if they cease mak-  
16          ing court ordered child support payments  
17          or fail to comply with the terms of or fail  
18          to complete the certified batterers treat-  
19          ment program.”.

20   **SEC. 627. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO**  
21           **THAT OF PERSON ADMITTED FOR PERMA-**  
22           **NENT RESIDENCE.**

23           (a) Section 245(d) of the Immigration and National-  
24   ity Act is amended by adding at the end the following:

1 “(l) Aliens who are self-petitioning for permanent resident  
2 status under section 204(a)(1)(A)(iii) or 204(a)(1)(A)(iv)  
3 are exempt from the application of this subsection.”.

4 (b) Section 245(a) of the Immigration and National-  
5 ity Act is amended by striking “The status” and inserting  
6 “The status of an alien who qualifies for classification  
7 under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv),  
8 204(a)(1)(A)(v), 204(a)(1)(B)(ii) and 204(a)(1)(B)(iii) or  
9 the status”.

10 (c) Section 245(c)(2) of the Immigration and Nation-  
11 ality Act is amended by inserting “, an alien who qualifies  
12 for classification under sections 204(a)(1)(A)(iii),  
13 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii) and  
14 (iii), of this title” after “1151(b) of this title”.

15 (d) Section 245(c)(4) of the Immigration and Nation-  
16 ality Act is amended by inserting “, or an alien who quali-  
17 fies for classification under sections 204(a)(1)(A)(iii),  
18 204(a)(1)(A)(iv), 204(a)(1)(A)(v), 204(a)(1)(B)(ii), and  
19 204(a)(1)(B)(iii)),” after “section 1151(b) of this title”.

20 (e) Section 245(c)(5) of the Immigration and Nation-  
21 ality Act is amended by adding before the semicolon at  
22 the end “(other than an alien who qualifies for classifica-  
23 tion under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv),  
24 204(a)(1)(A)(v), 204(a)(1)(B)(ii), and  
25 204(a)(1)(B)(iii))”.



1       (f) Section 245(c)(8) of the Immigration and Nation-  
 2 ality Act is amended by adding before the semicolon at  
 3 the end “(other than an alien who qualifies for classifica-  
 4 tion under sections 204(a)(1)(A)(iii), 204(a)(1)(A)(iv),  
 5 204(a)(1)(A)(v),               204(a)(1)(B)(ii),               and  
 6 204(a)(1)(B)(iii))”. The amendments made in these sec-  
 7 tions shall apply to applications for adjustment of status  
 8 pending on or after the date of enactment.

9   **SEC. 628. REMOVAL PROCEEDINGS.**

10       Section 240(c)(6)(C) of the Immigration and Nation-  
 11 ality Act is amended by adding the following new clause:

12                       “(iv) SPECIAL RULE FOR BATTERED  
 13                       IMMIGRANT WOMEN AND CHILDREN.—  
 14                       There is no time limit on the filing of a  
 15                       motion to reopen and the requirements of  
 16                       subparagraph (C)(iii) of this subsection do  
 17                       not apply and if the basis of the motion is  
 18                       to apply for relief under section  
 19                       204(a)(1)(A)(iii), (iv), or (v), section  
 20                       204(a)(1)(B)(ii) or (iii), section  
 21                       240A(b)(2), or section 244(a)(3) (as in ef-  
 22                       fect before the title III–A effective date of  
 23                       the Illegal Immigration Reform and Immig-  
 24                       grant Responsibility Act of 1996 (Public

1 Law 104–208; division C; 110 Stat. 3009–  
2 625)).”.

3 **SEC. 629. MARRIED PERSONS AND EMPLOYEES OF CERTAIN**  
4 **NONPROFIT ORGANIZATIONS.**

5 Section 319(a) of the Immigration and Nationality  
6 Act is amended—

7 (1) by inserting “, or any person who obtained  
8 status as a lawful permanent resident because he or  
9 she was married to or was the child of a United  
10 States citizen spouse who battered him or her or  
11 subjected him or her to extreme cruelty,” after  
12 “United States” the first place such term appears;

13 (2) by inserting “who (except in the case of a  
14 person who obtained lawful permanent residence be-  
15 cause he or she was married to or was the child of  
16 a United States citizen who battered or subjected  
17 him or her to extreme cruelty)” after “within the  
18 United States for at least three years; and”; and

19 (3) by inserting “or parent” after “has been liv-  
20 ing in marital union with the citizen spouse”.

21 **SEC. 630. WORK AUTHORIZATION.**

22 The Attorney General may authorize an alien who  
23 has properly filed an application for relief under sections  
24 204(a)(1)(A)(iii), (iv), or (v), 204(a)(1)(B)(ii) or (iii),  
25 240A(b)(2) or 244(c)(3) (as in effect before the enactment

1 of the Illegal Immigration Reform and Immigrant Respon-  
2 sibility Act of 1996) of the Immigration and Nationality  
3 Act to engage in employment in the United States during  
4 the pendency of such application and may provide the  
5 alien with an “employment authorized” endorsement or  
6 other appropriate document signifying authorization of  
7 employment, except that if such application is pending for  
8 a period exceeding 180 days, and has not been denied,  
9 the Attorney General shall authorize such employment.

10 **SEC. 631. RECORDS MAINTAINED ON INDIVIDUALS.**

11 Section 552a(b) of title 5, United States Code, is  
12 amended—

13 (1) at the end of paragraph (11) by striking  
14 “or”;

15 (2) at the end of paragraph (12) by striking the  
16 period and inserting “; or”; and

17 (3) by adding after paragraph (12) the follow-  
18 ing new paragraph:

19 “(13) to the spouse or child of a naturalized  
20 United States citizen or lawful permanent resident  
21 who requests information from the Immigration and  
22 Naturalization Service regarding the immigration  
23 status of their spouse or parent, or who needs to ob-  
24 tain documentation in the form of official or public  
25 records or copies thereof contained in the immigra-

1       tion file of a spouse or parent for the purpose of an  
2       immigration case or other domestic violence-related  
3       court or administrative court hearing; unless the  
4       records are those of a person who has presented to  
5       the Immigration and Naturalization Service evidence  
6       in the form of a judicial finding, administrative de-  
7       termination, or a police report demonstrating that  
8       the naturalized citizen or lawful permanent resident  
9       has been battered or subjected to extreme cruelty by  
10      their spouse or parent.”.

11   **SEC. 632. WELFARE AND PUBLIC BENEFITS FOR ALIENS.**

12       (a)(1) Section 501(c)(1)(A) of the Personal Respon-  
13      sibility and Work Opportunity Reconciliation Act of 1996  
14      (8 U.S.C. 1641(c)(1)(A)) is amended by striking “by a  
15      spouse or a parent, or by a member of the spouse or par-  
16      ent’s family residing in the same household as the alien  
17      and the spouse or parent consented to, or acquiesced in,  
18      such battery or cruelty,” and inserting “by a spouse, par-  
19      ent, son, or daughter or by any person having a relation-  
20      ship with the alien covered by the civil or criminal domes-  
21      tic violence statutes of the State or Indian country where  
22      the alien resides, or the State or Indian country in which  
23      the alien, the alien’s child or the alien child’s parents re-  
24      ceived a protection order, or by any individual against  
25      whom the alien could obtain a protection order,”.

1       (2) Section 501(c)(1)(B) of the Personal Responsibil-  
2   ity and Work Opportunity Reconciliation Act of 1996 (8  
3   U.S.C. 1641(c)(1)(B)) is amended—

4           (1) by striking “or” at the end of clause (iii);  
5       and

6           (2) by adding at the end the following:

7       “(v) suspension of deportation and adjustment of sta-  
8   tus pursuant to section 244(a)(3) of the Immigration and  
9   Nationality Act (as in effect before the title III–A effective  
10   date of the Illegal Immigration Reform and Immigrant  
11   Responsibility Act of 1996 Public Law 104–208; division  
12   C, (110 Stat. 3009–625)); or”.

13       (3) Section 501(c)(2)(A) of the Personal Respon-  
14   sibility and Work Opportunity Reconciliation Act of 1996  
15   (8 U.S.C. 1641(c)(1)(B)) is amended by striking “by a  
16   spouse or a parent of the alien (without the active partici-  
17   pation of the alien in the battering or cruelty), or by a  
18   member of the spouse or parent’s family residing in the  
19   same household as the alien and the spouse or parent con-  
20   sented or acquiesced to such battery or cruelty,” and in-  
21   serting “by a spouse, parent, son or daughter of the alien  
22   (without the active participation of the alien in the batter-  
23   ing or cruelty) or by any person having a relationship with  
24   the alien covered by the civil or criminal domestic violence  
25   statutes of the State or Indian country where the alien

1 resides, or the State or Indian country in which the alien,  
2 the alien's child or the alien child's parent received a pro-  
3 tection order, or by any individual against whom the alien  
4 could obtain a protection order,".

5 (b) Section 402(a) of the Personal Responsibility and  
6 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
7 1612(a)(2)) is amended adding at the end the following:

8 " (I) CERTAIN BATTERED ALIENS.—Para-  
9 graph (1) shall not apply to an alien who has  
10 been battered or subjected to extreme cruelty in  
11 the United States and is a qualified alien under  
12 section 1641(c) of title 5, United States Code."

13 (c)(1) Section 214 of the Housing and Community  
14 Development Act of 1980 (42 U.S.C. 1436(a)) is amended  
15 by adding at the end the following new subsection:

16 " (i) EXCEPTION TO INELIGIBILITY FOR HOUSING  
17 ASSISTANCE FOR CERTAIN BATTERED ALIENS.—The re-  
18 strictions on use of assisted housing by aliens shall not  
19 apply to an alien who has been battered or subjected to  
20 extreme cruelty and is a qualified alien under section  
21 431(c) of the Personal Responsibility and Work Oppor-  
22 tunity Reconciliation Act of 1986 (8 U.S.C. 1641(c)) and  
23 shall not apply to any child included in the alien's applica-  
24 tion for lawful immigration status. No private, government  
25 or non-profit organization providing shelter or services to

1 battered women or abused children receiving any Federal  
2 funds shall deny assistance to applicants based on  
3 alienage.”.

4       (2) Section 411A of the Social Security Act (42  
5 U.S.C. 611a) is amended by adding at the end “Collection  
6 or information about and inquiries into the immigration  
7 status of a parent who is a United States citizen, lawful  
8 permanent resident or qualified alien child is applying for  
9 benefits shall not be made if the parent presents credible  
10 evidence of battering or extreme cruelty whether or not  
11 the parent is deemed to be part of the assistance unit and  
12 State or Federal law.”.

13       (3) Section 1631(e)(9) of the Social Security Act (42  
14 U.S.C. 1383(e)(9)) is amended by adding at the end “Col-  
15 lection or information about and inquiries into the immi-  
16 gration status of a parent who is a United States citizen,  
17 lawful permanent resident or qualified alien child is apply-  
18 ing for benefits shall not be made if the parent presents  
19 credible evidence of battering or extreme cruelty whether  
20 or not the parent is deemed to be part of the assistance  
21 unit under State or Federal law.”.

22       (4) Section 27 of the United States Housing Act of  
23 1937 (42 U.S.C. 1437y) is amended by adding at the end  
24 “Collection or information about and inquiries into the im-  
25 migration status of a parent who is a United States citi-

1 zen, lawful permanent resident or qualified alien child is  
2 applying for benefits shall not be made if the parent pre-  
3 sents credible evidence of battering or extreme cruelty  
4 whether or not the parent is deemed to be part of the  
5 assistance unit under State or Federal law.”.

6 **SEC. 633. LEGAL SERVICES CORPORATION.**

7 Section 502 of the Departments of Commerce, Jus-  
8 tice, and State, the Judiciary and Related Agencies Appro-  
9 priations Act, 1998 (Public Law 105–119) is amended by  
10 adding at the end the following:

11 “(c) This section shall not be construed to prohibit  
12 a recipient from—

13 “(1) using funds derived from a source other  
14 than the Legal Services Corporation to provide relat-  
15 ed legal assistance (as that term is defined in sub-  
16 section (b)(2)) to any alien who has been battered  
17 or subjected to extreme cruelty by a person with  
18 whom the alien has a relationship covered by the do-  
19 mestic violence laws of the State in which the alien  
20 resides or in which an incidence of violence occurred;

21 “(2) using Legal Services Corporation funds to  
22 provide related legal assistance to any alien who has  
23 been battered or subjected to extreme cruelty who  
24 qualifies for relief under sections 204(a)(1)(A)(iii),



1 (iv), or (v) or section 204(a)(1)(B)(ii) or (iii) of the  
2 Immigration and Nationality Act.”.

3 **SEC. 634. VIOLENCE AGAINST WOMEN.**

4 (a) The Omnibus Crime Control and Safe Streets Act  
5 of 1968 (42 U.S.C. 3711 et seq.) is amended by adding  
6 after section 2006 the following new section:

7 **“SEC. 2007. MILITARY TRAINING CONCERNING DOMESTIC**  
8 **VIOLENCE.**

9 “Each branch of the United States military is re-  
10 quired to train its supervisory military officers on domestic  
11 violence, the dynamics of domestic violence in military  
12 families, the types of protection available for battered im-  
13 migrant women and children in the Violence Against  
14 Women Act, and the problems of domestic violence in fam-  
15 ilies in which a United States citizen or lawful permanent  
16 resident member of the military is married to a non-  
17 United States citizen.”

18 (b) Section 2001(a) of the Omnibus Crime Control  
19 and Safe Streets Act of 1968 is amended by inserting “,  
20 the Immigration and Naturalization Service and the Exec-  
21 utive Office of Immigration Review,” after “Indian tribal  
22 governments”.

23 (c) Section 2001(b)(1) of the Omnibus Crime Control  
24 and Safe Streets Act of 1968 is amended by inserting “,

1 immigration and asylum officers, immigration judges,”  
2 after “law enforcement officers”.

3 (d) Section 2001(b) of the Omnibus Crime Control  
4 and Safe Streets Act of 1968 is amended—

5 (1) at the end of paragraph (6) by striking  
6 “and”;

7 (2) at the end of paragraph (7) by striking the  
8 period and inserting “; and”; and

9 (3) by inserting after paragraph (7) the follow-  
10 ing new paragraph:

11 “(8) training justice system personnel on the  
12 immigration provisions of the Violence Against  
13 Women Act and their ramifications for victims of  
14 domestic violence appearing in civil and criminal  
15 court proceedings and potential immigration con-  
16 sequences for the perpetrators of domestic violence.”

17 (e) Section 2101(c) of the Omnibus Crime Control  
18 and Safe Streets Act of 1968 is amended by inserting be-  
19 fore the period “certify that their laws, policies, and prac-  
20 tices do not discourage or prohibit prosecutors and law  
21 enforcement officers from granting access to information  
22 about the immigration status of a domestic violence per-  
23 petrator to the victim, the child, or their advocate.”.

1 **SEC. 635. POWERS OF IMMIGRATION OFFICERS AND EM-**  
2 **PLOYEES.**

3 Section 287(g)(10) of the Immigration and National-  
4 ity Act is amended by adding at the end the following:  
5 “It is the intent of the Congress that none of the provi-  
6 sions of this section have the effect of discouraging crime  
7 victim cooperation with law enforcement and prosecutors.  
8 Public policy favors encouraging prosecution of criminals,  
9 and nothing in this section shall be construed to discour-  
10 age crime victims and domestic violence victims from re-  
11 porting crimes committed against them to police, from co-  
12 operating in criminal prosecutions, or from obtaining from  
13 courts protection orders or other legal relief needed to pro-  
14 tect crime victims from ongoing violence under State or  
15 Federal laws.”.

16 **SEC. 636. EFFECTIVE DATE.**

17 The amendments made by this subtitle shall be effec-  
18 tive as if included in the Violence Against Women Act of  
19 1994 (Public Law 103–322; 108 Stat. 1902–1955).

20 **Subtitle D—Conforming Amend-**  
21 **ments to the Violence Against**  
22 **Women Act**

23 **SEC. 641. LAW ENFORCEMENT AND PROSECUTION GRANTS.**

24 (a) Section 2001(b)(5) of the Omnibus Crime Control  
25 and Law Enforcement Act of 1968 (42 U.S.C.  
26 3796gg(b)(5)) is amended by striking “to racial, cultural,

1 ethnic, and language minorities” and inserting “to under-  
2 served populations”.

3 (b) Section 2002 of the Omnibus Crime Control and  
4 Law Enforcement Act of 1968 (42 U.S.C. 3796gg–  
5 1(d)(1)(D)) is amended to read as follows: “demographic  
6 characteristics of the populations to be served, including  
7 marital status and the characteristics of any underserved  
8 populations”.

9 (c) Section 2003 of the Omnibus Crime Control and  
10 Law Enforcement Act of 1968 (42 U.S.C. 3796gg–2(7))  
11 is amended to read as follows: “the term ‘underserved pop-  
12 ulations’ includes populations underserved because of race,  
13 ethnicity, age, disability, sexual orientation, religion,  
14 alienage status, geographic location (including rural isola-  
15 tion), language barriers, and any other populations deter-  
16 mined to be underserved by the State planning process;  
17 and”.

18 (d) Section 2004 of the Omnibus Crime Control and  
19 Law Enforcement Act of 1968 (42 U.S.C. 3796gg–  
20 3(b)(3)) is amended by striking all that follows “relation-  
21 ship of victim to offender” and inserting “and the mem-  
22 bership of persons served in any underserved populations;  
23 and”

1 **SEC. 642. FAMILY VIOLENCE PREVENTION AND SERVICES**  
2 **ACT.**

3 (a) Section 303(a)(2)(C) of the Family Violence Pre-  
4 vention and Services Act (42 U.S.C. 10402(a)(2)(C)) is  
5 amended by striking “populations underserved because of  
6 ethnic, racial, cultural, language diversity or geographic  
7 isolation;” and inserting “populations underserved be-  
8 cause of race, ethnicity, age, disability, sexual orientation,  
9 religion, alienage status, geographic location (including  
10 rural isolation), language barriers, and any other popu-  
11 lations determined to be underserved;”

12 (b) Section 311(a)(4) (42 U.S.C. 10410(a)(4)) of the  
13 Family Violence Prevention and Services Act is amended  
14 by striking “underserved racial, ethnic or language-minor-  
15 ity populations” and inserting “underserved populations,  
16 as that term is used in section 303(a)(2)(C)”.

17 (c) Section 316(e)(4) (42 U.S.C. 10416(e)(4)) is  
18 amended by striking all that follows “to the provision of  
19 services” and inserting “to underserved populations, as  
20 that term is used in section 303(a)(2)(C); and”.

21 **TITLE VII—VIOLENCE AGAINST**  
22 **WOMEN AND THE WORKPLACE**

23 **SEC. 701. FINDINGS.**

24 Congress finds that—

25 (1) victims and their families suffer from crime  
26 and its effects on a daily basis;

1           (2) domestic crime against adults accounts for  
2           approximately 15 percent of total crime costs in the  
3           United States each year;

4           (3) violence against women has been reported to  
5           be the leading cause of physical injury to women. It  
6           has a devastating impact on women's physical and  
7           emotional health and financial security;

8           (4) the Department of Justice estimates that  
9           intimate partners commit more than 1,000,000 vio-  
10          lent crimes against women every year;

11          (5) American workers who have been victims of  
12          crime too often suffer adverse consequences in the  
13          workplace as a result of their experiences as crime  
14          victims;

15          (6) crime victims are particularly vulnerable to  
16          changes in employment, pay, and benefits as a result  
17          of their victimizations, and are, therefore, in need of  
18          legal protection;

19          (7) the prevalence of violence against women at  
20          work is dramatic: homicide is the leading cause of  
21          death for women on the job; 8 percent of all rapes  
22          occur in the workplace; women who are victims of  
23          violent workplace crimes are twice as likely as men  
24          to know their attackers; husbands, boyfriends, and  
25          ex-partners commit 15 percent of workplace homi-

1       cides against women; one study found that three-  
2       quarters of battered women who work were harassed  
3       by telephone by their abuser at work;

4           (8) nearly 50 percent of rape victims lose their  
5       employment or are forced to quit their jobs following  
6       the crime. One quarter of battered women surveyed  
7       have lost a job due in part to the effects of domestic  
8       violence;

9           (9) the availability of economic support is a  
10      critical factor in battered women's ability to leave  
11      abusive situations that threaten them and their chil-  
12      dren. Over half of battered women surveyed stayed  
13      with their batterers because they lacked resources to  
14      support themselves and their children;

15          (10) according to the National Institute of Jus-  
16      tice, crime costs an estimated \$450,000,000,000 an-  
17      nually in medical expenses, lost earnings, social serv-  
18      ice costs, pain, suffering, and reduced quality of life  
19      for victims, all of which harm our Nation's produc-  
20      tivity and drain our Nation's resources. Violent  
21      crime accounts for \$426,000,000,000 of this  
22      amount;

23          (11) rape exacts the highest costs-per-victim of  
24      any criminal offense, an estimated total of  
25      \$127,000,000,000 per year. Recent governmental es-

1 estimates indicate that between 300,000 and 600,000  
2 rapes and sexual assaults occur annually in the  
3 United States;

4 (12) other violent offenses take unacceptably  
5 high tolls on the economy as well, including assault  
6 (\$93,000,000,000), murder (\$71,000,000,000),  
7 drunk driving (excluding fatalities)  
8 (\$61,000,000,000), and child abuse  
9 (\$56,000,000,000);

10 (13) violent crime results in wage losses equiva-  
11 lent to 1 percent of all American earnings, causes 3  
12 percent of the Nation's medical spending and 14  
13 percent of injury-related medical spending;

14 (14) estimates show that employers pay be-  
15 tween \$3,000,000,000 and \$5,000,000,000 annually  
16 to cover the cost of crimes against employees and  
17 their families;

18 (15) surveys of business executives and cor-  
19 porate security directors also underscore the heavy  
20 toll that workplace violence takes on American  
21 women, businesses, and interstate commerce;

22 (16) 94 percent of corporate security and safety  
23 directors at companies nationwide rank domestic vio-  
24 lence as a high-risk security problem;



1           (17) 49 percent of senior executives recently  
2 surveyed said domestic violence has a harmful effect  
3 on their company's productivity, 47 percent said do-  
4 mestic violence negatively affects attendance, and 44  
5 percent said domestic violence increases health care  
6 costs;

7           (18) only 12 States have enacted statutes for-  
8 bidding employers from taking adverse action  
9 against employees who have been victims of crime  
10 and must participate in the criminal justice process  
11 during working hours. No State explicitly protects  
12 crime victims from other adverse action which may  
13 result from their experiences and status as crime  
14 victims; and

15           (19) existing Federal law neither expressly au-  
16 thorizes battered women to take leave from work to  
17 seek legal assistance and redress, counseling, or as-  
18 sistance with safety planning activities nor does it  
19 protect crime victims from retaliation, discharge, or  
20 other workplace penalties that may result from their  
21 experiences and status as crime victims.

1 **Subtitle A—National Clearinghouse**  
2 **on Domestic Violence and Sex-**  
3 **ual Assault and the Workplace**  
4 **Grant**

5 **SEC. 711. NATIONAL CLEARINGHOUSE ON DOMESTIC VIO-**  
6 **LENCE AND SEXUAL ASSAULT AND THE**  
7 **WORKPLACE GRANT.**

8 (a) DEFINITION OF DOMESTIC VIOLENCE.—The  
9 term “domestic violence” includes acts or threats of vio-  
10 lence, not including acts of self defense, committed by a  
11 current or former spouse of the victim, by a person with  
12 whom the victim shares a child in common, by a person  
13 who is cohabitating with or has cohabitated with the vic-  
14 tim, by a person who is or has been in a continuing social  
15 relationship of a romantic or intimate nature with the vic-  
16 tim, by a person similarly situated to a spouse of the vic-  
17 tim under the domestic or family violence laws of the juris-  
18 diction, or by any other person against a victim who is  
19 protected from that person’s acts under the domestic or  
20 family violence laws of the jurisdiction.

21 (b) DEFINITION OF SEXUAL ASSAULT.—For pur-  
22 poses of this section, the term “sexual assault” means any  
23 conduct proscribed by chapter 109A of title 18, United  
24 States Code, whether or not the conduct occurs in the spe-  
25 cial maritime and territorial jurisdiction of the United

1 States or in a Federal prison and includes both assaults  
2 committed by offenders who are strangers to the victim  
3 and assaults committed by offenders who are known to  
4 the victim or related by blood or marriage to the victim.

5 (c) AUTHORITY.—The Attorney General may make a  
6 grant in accordance with this section to a private, non-  
7 profit entity that meets the requirements of subsection  
8 (d), including a nonprofit entity operating within the  
9 boundaries of an Indian reservation, in order to provide  
10 for the establishment and operation of a national clearing-  
11 house and resource center to provide information and as-  
12 sistance to employers and labor organizations in their ef-  
13 forts to develop and implement appropriate responses to  
14 assist victims of domestic violence and sexual assault.

15 (d) GRANTEES.—Each applicant for a grant under  
16 this section shall submit to the Attorney General an appli-  
17 cation, which shall—

18 (1) demonstrate that the applicant—

19 (A) has a nationally recognized expertise in  
20 the area of domestic violence and sexual assault  
21 and a record of commitment and quality re-  
22 sponses to reduce domestic violence and sexual  
23 assault; and

24 (B) will provide matching funds from non-  
25 Federal sources in an amount equal to not less

1           than 10 percent of the total amount of the  
2           grant under this section; and

3           (2) include a plan to maximize, to the extent  
4           practicable, outreach to employers (including private  
5           companies, as well as public entities such as univer-  
6           sities, and State and local governments) in develop-  
7           ing and implementing appropriate responses to as-  
8           sist employees who are victims of domestic violence  
9           and sexual assault.

10          (e) USE OF GRANT AMOUNT.—A grant under this  
11       section may be used for staff salaries, travel expenses,  
12       equipment, printing, and other reasonable expenses nec-  
13       essary to assemble, maintain, and disseminate to employ-  
14       ers and labor organizations information on and appro-  
15       priate responses to domestic violence and sexual assault,  
16       including—

17           (1) training to promote a better understanding  
18           of appropriate assistance to victims;

19           (2) conferences;

20           (3) outreach counseling;

21           (4) development of protocols and model work-  
22       place policies;

23           (5) coordination of victim services; and

24           (6) assessments of the workplace costs of do-  
25       mestic violence and sexual assault.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$500,000 for each of fiscal years 1999 through 2003.

4 **Subtitle B—Victims’ Employment**  
5 **Rights**

6 **SEC. 721. SHORT TITLE.**

7 This subtitle may be cited as the “Victims’ Employ-  
8 ment Rights Act”.

9 **SEC. 722. PURPOSES.**

10 Pursuant to the affirmative power of Congress to  
11 enact this Act under section 5 of the fourteenth amend-  
12 ment to the Constitution, as well as under clause 3, section  
13 8 of article I of the Constitution, the purposes of this sub-  
14 title are—

15 (1) to promote the national interest in ensuring  
16 that crime victims can recover from the effects of  
17 crime and participate in the criminal justice process  
18 without fear of adverse economic consequences from  
19 their employers;

20 (2) to minimize the negative impact on inter-  
21 state commerce from dislocations of employees and  
22 decreases in productivity that may arise when em-  
23 ployees are victimized by violent crime;

24 (3) to promote the purposes of the fourteenth  
25 amendment by protecting the rights of victims of

1 crime and by furthering the right of crime victims  
2 to employment free from discrimination; and

3 (4) to accomplish the purposes set forth in  
4 paragraphs (1) through (3) in a manner that accom-  
5 modates the legitimate interests of employers and  
6 protects the safety of all of those in the workplace.

7 **SEC. 723. DISCRIMINATION.**

8 (a) GENERAL RULE.—An employer shall not take or  
9 threaten to take any adverse job action against any em-  
10 ployee who is or has been a victim of crime based upon  
11 that employee’s status, experience, or condition as a victim  
12 of crime.

13 (b) DEFINITIONS.—For the purposes of this sub-  
14 title—

15 (1) the term “employer” includes any person  
16 acting directly or indirectly in the interest of an em-  
17 ployer in relation to an employee, and includes a  
18 public agency, but does not include any labor organi-  
19 zation (other than when acting as an employer) or  
20 anyone acting in the capacity of officer or agent of  
21 such labor organization;

22 (2) the term “employ” includes to suffer or per-  
23 mit to work for wages, benefits, or other compensa-  
24 tion;

1           (3) the term “employee” means any person em-  
2       ployed by an employer; this term includes full- or  
3       part-time persons employed for a fixed time period,  
4       temporary or leased basis, independent contractors,  
5       and persons participating in work assignments as a  
6       condition of receipt of State or Federal welfare bene-  
7       fits;

8           (4) the term “victim of crime” includes any em-  
9       ployee who an employer knows or has reason to  
10      know has been the target of an Act or series of Acts  
11      that would come within the meaning of State or  
12      Federal offenses described in section 16 of title 18,  
13      United States Code, or that would form the basis for  
14      a felony or misdemeanor crime of domestic violence,  
15      assault, battery, sexual assault or stalking under  
16      State or Federal law, or that would form the basis  
17      for obtaining an order of protection as defined in 18  
18      U.S.C. 2266 under applicable civil or criminal State  
19      or local law; this term also includes those employees  
20      against whom threats to commit such criminal of-  
21      fenses have been made, provided the employer knows  
22      or has reason to know that such threats have oc-  
23      curred;

1           (5) the term “adverse job action” means any  
2           action adversely affecting the employment status,  
3           wages, or benefits payable to the victim, including—

4                   (A) demotion or suspension;

5                   (B) dismissal from employment;

6                   (C) refusal to hire;

7                   (D) involuntary transfers;

8                   (E) failure to make a reasonable accommo-  
9           dation as requested by the employee of the vic-  
10          tim’s health and safety needs arising from the  
11          offense;

12                  (F) loss of pay or benefits; and

13                  (G) disciplinary procedure or action;

14          this provision shall not interfere with lawful employ-  
15          ment policies providing for unpaid leave, except  
16          where State or Federal law or the employer’s exist-  
17          ing leave policies provide for paid leave or continued  
18          benefits, that can lawfully be exercised to attend  
19          court proceedings or other activities related to the  
20          criminal offense;

21           (6) the term “based upon the employee’s status,  
22          condition, or experience as a crime victim” means  
23          any action affecting the terms or conditions of em-  
24          ployment, as defined in subsection (b)(4) of this sec-  
25          tion, which would not have been made in the absence



1 of the employee's status, condition, or experience as  
2 a crime victim, and which does not qualify for the  
3 exemptions allowed by section 726 of this subtitle;

4 (7) the term "reasonable accommodation" may  
5 include—

6 (A) job restructuring, part-time or modi-  
7 fied work schedules, or reassignment to a va-  
8 cant position or to another department or facil-  
9 ity with equivalent wages and benefits or reas-  
10 signment of the perpetrator if the perpetrator is  
11 also an employee, if necessary to protect the  
12 health or safety of the crime victim;

13 (B) making adjustments to existing facili-  
14 ties, for example, installing locks or alarms,  
15 which are necessary to protect the safety of the  
16 crime victim and others in the workplace;

17 (C) delaying disciplinary action for a rea-  
18 sonable period of time while the employee seeks  
19 assistance; and

20 (D) authorizing reasonable leave from  
21 work to seek medical help, legal assistance,  
22 counseling, safety planning, and any other ac-  
23 tivity necessitated by the crime that must be  
24 undertaken during hours of employment;

1           (8) the term “undue hardship” means an action  
2           requiring significant difficulty or expense, or any ac-  
3           tion that would be unduly costly, extensive, substan-  
4           tial, or disruptive, or that would fundamentally alter  
5           the nature of operation of the business, when consid-  
6           ered in light of the following factors:

7                   (A) The nature and cost of the accommo-  
8                   dation needed under this section.

9                   (B) The overall financial resources of the  
10                  employer; the number of persons employed at  
11                  the facility; the effect on expenses and re-  
12                  sources, or the impact otherwise of such accom-  
13                  modation upon the operation of the facility.

14                  (C) The relationship between the serious-  
15                  ness of the crime and injuries suffered by the  
16                  employee, or threatened to be made against the  
17                  employee, and the proposed accommodation. In  
18                  cases where the employee is a victim of domes-  
19                  tic violence, the employer shall take into ac-  
20                  count the fact that incidents of domestic vio-  
21                  lence frequently escalate in seriousness, and  
22                  that threats against the employee may result in  
23                  violence.

24           (c) CONSTRUCTION.—

1           (1) NO DISQUALIFICATION FOR FAILURE TO  
2 PROSECUTE.—An employee who otherwise meets the  
3 definition of “victim of crime” under subsection  
4 (b)(4) shall not be disqualified from this subtitle’s  
5 protections if the crime alleged does not result in  
6 criminal prosecution or conviction of the perpetrator,  
7 provided the employer’s actions otherwise fall within  
8 the prohibitions of this subtitle.

9           (2) NO LIMITATION TO VICTIMS OF WORKPLACE  
10 CRIMES.—A crime victim shall be eligible for the  
11 protections of this subtitle regardless of the location  
12 of the crime or threats to commit crime which have  
13 been perpetrated against the employee.

14           (3) NO ADVERSE JOB ACTION FOR PARTICIPA-  
15 TION IN CRIMINAL JUSTICE OR CIVIL PROCEED-  
16 INGS.—It shall be unlawful under this section to  
17 take an adverse job action against an employee who  
18 has been a victim of crime because that employee  
19 was absent from work to testify in a criminal or civil  
20 proceeding or to assist in the preparation of a crimi-  
21 nal or civil proceeding arising from the alleged of-  
22 fense, and that testimony or preparation could not  
23 be made outside the employee’s regular working  
24 hours. An employee who seeks protection from ad-  
25 verse job actions under this subsection must provide

1 the employer with a minimum of twenty-four hours  
2 notice prior to any such absences, and should make  
3 all good faith efforts to provide as much notice as  
4 possible.

5 **SEC. 724. ENFORCEMENT.**

6 (a) CIVIL ACTION BY EMPLOYEES—

7 (1) LIABILITY.—Any employer who violates the  
8 provisions of this subtitle shall be liable to any eligi-  
9 ble employee affected for—

10 (A) damages equal to the amount of any  
11 wages, salary, employment benefits, or other  
12 compensation denied or lost to such employee  
13 by reason of the violation, and any interest on  
14 that amount calculated at the prevailing rate;

15 (B) any punitive damages, up to three  
16 times the amount of actual damages sustained,  
17 as the finder of fact shall deem appropriate;  
18 and

19 (C) equitable relief as the court may deem  
20 appropriate, including employment, reinstatement,  
21 transfer, promotion, and adoption of poli-  
22 cies to prevent future violations.

23 (b) ACTION BY DEPARTMENT OF JUSTICE.—The De-  
24 partment of Justice may bring a civil action in any court

1 of competent jurisdiction to recover the damages described  
2 in subsection (a)(1) of this section.

3 (c) REMEDIES.—The powers, remedies, and proce-  
4 dures set forth in title VII of the Civil Rights Act of 1964  
5 shall be the powers, remedies and procedures to enforce  
6 this subtitle, except that the time for filing charges speci-  
7 fied in section 706(e) of title VII of the Civil Rights Act  
8 of 1961 shall not apply to causes of action arising under  
9 this subtitle; a charge under this title shall be filed within  
10 365 days after the unlawful employment practice occurred.

11 (d) EXCLUSIVITY OF REMEDIES.—These remedies  
12 shall be applicable to a claim under this section, unless  
13 after such claim arises the claimant voluntarily enters into  
14 an agreement to resolve the claim through arbitration or  
15 another procedure.

16 **SEC. 725. ATTORNEY'S FEES.**

17 Section 722(b) of the Revised Statutes (42 U.S.C.  
18 1988(b)) is amended in the last sentence by inserting  
19 “title VII of the Violence Against Women Act of 1998,”  
20 after “title VI of the Civil Rights Act of 1964,”.

21 **SEC. 726. DEFENSES.**

22 (a) EXTRAORDINARY THREATS TO WORKPLACE  
23 SAFETY.—It may be a defense to liability under this sub-  
24 title if an adverse job action was necessary to protect the  
25 safety of an employee or other persons at the place of em-

1 ployment; provided, to qualify for this exception, an em-  
2 ployer must prove—

3           (1) that the employer took all reasonable steps  
4           to protect the safety of the crime victim and others  
5           at the workplace which, if successful, would not have  
6           required the adverse job action; and

7           (2) no less adverse action was reasonably pos-  
8           sible without endangering the safety of the employee  
9           or others at the workplace.

10       (b) ESSENTIAL JOB FUNCTIONS IMPAIRED.—It may  
11       be a defense to liability under this subtitle if, despite rea-  
12       sonable accommodation by the employer, the employee’s  
13       experience as a crime victim has left the employee unable  
14       to perform the essential functions of the employee’s job.  
15       For purposes of this section, consideration shall be given  
16       to the employer’s judgment as to what functions of a job  
17       are essential.

18       (c) UNDUE HARDSHIP.—It may be a defense to li-  
19       ability under this subtitle if the employer can demonstrate  
20       that reasonably accommodating the health and safety of  
21       the crime victim would impose an undue hardship on the  
22       operation of the business of the employer or would severely  
23       threaten the integrity of the employer’s physical plant or  
24       facilities. To qualify for this exemption, an employer shall

1 make good faith efforts to implement the employee's pro-  
2 posals for such reasonable accommodations.

3 (d) RESTORATION TO POSITION.—An employee who  
4 is lawfully discharged, transferred, demoted, or suspended  
5 under subsection (a) of this section shall be entitled to  
6 restoration to the employee's former position provided the  
7 conditions necessitating the change in employment no  
8 longer persist, and provided that restoration does not con-  
9 stitute an undue burden. The employee shall be entitled—

10 (1) to be restored by the employer to the posi-  
11 tion of employment held by the employee when the  
12 discharge, transfer, or suspension commenced; or

13 (2) to be restored to an equivalent position with  
14 equivalent employment benefits, pay, and other  
15 terms and conditions of employment.

16 (e) BURDEN OF PROOF.—Once an employee estab-  
17 lishes that an employer took an adverse job action against  
18 the employee after it knew or had reason to know that  
19 the employee had been a victim of crime, it shall be the  
20 employer's burden to prove—

21 (1) that the adverse job action was not based  
22 upon the employee's status, condition, or experience  
23 as a victim of crime; or

24 (2) that the employer's actions fall within the  
25 defenses allowed under this section.

1 **Subtitle C—Workplace Violence**  
2 **Against Women Prevention Tax**  
3 **Credit**

4 **SEC. 731. SHORT TITLE.**

5 This subtitle may be cited as the “Workplace Violence  
6 Against Women Prevention Tax Credit Act”.

7 **SEC. 732. CREDIT FOR COSTS TO EMPLOYERS OF IMPLEMENTING**  
8 **WORKPLACE SAFETY PROGRAMS**  
9 **TO COMBAT VIOLENCE AGAINST WOMEN.**

10 (a) IN GENERAL.—Subpart D of part IV of sub-  
11 chapter A of chapter 1 of the Internal Revenue Code of  
12 1986 is amended by adding at the end the following new  
13 section:

14 **“SEC. 45D. WORKPLACE SAFETY PROGRAM CREDIT.**

15 “(a) IN GENERAL.—For purposes of section 38, the  
16 workplace safety program credit determined under this  
17 section for the taxable year is, for any employer, an  
18 amount equal to 40 percent of the violence against women  
19 safety and education costs paid or incurred by such em-  
20 ployer during the taxable year.

21 “(b) DEFINITIONS.—For purposes of this section—

22 “(1) VIOLENCE AGAINST WOMEN SAFETY AND  
23 EDUCATION COST.—

24 “(A) IN GENERAL.—The term ‘violence  
25 against women safety and education cost’



1 means any cost certified by the Attorney Gen-  
2 eral to the Secretary as being for the purpose  
3 of—

4 “(i) ensuring the safety of employees  
5 from violent crimes against women,

6 “(ii) providing assistance to employ-  
7 ees, their spouses, and dependents with re-  
8 spect to violent crimes against women,

9 “(iii) providing legal or medical serv-  
10 ices to employees, their spouses, and de-  
11 pendents subjected to, or at risk from, vio-  
12 lent crimes against women,

13 “(iv) educating employees about the  
14 issue of violent crimes against women, or

15 “(v) implementing human resource or  
16 personnel policies initiated to protect em-  
17 ployees from violent crimes against women  
18 or to support employees who have been vic-  
19 tims of violent crimes against women.

20 “(B) TYPES OF COSTS.—Such term in-  
21 cludes costs certified by the Attorney General to  
22 the Secretary as being for the purpose of—

23 “(i) the hiring of new security person-  
24 nel in order to address violent crimes  
25 against women,

1           “(ii) the creation of buddy systems or  
2           escort systems for walking employees to  
3           parking lots, parked cars, subway stations,  
4           or bus stops, in order to address violent  
5           crimes against women,

6           “(iii) the purchase or installation of  
7           new security equipment, including surveil-  
8           lance equipment, lighting fixtures, cardkey  
9           access systems, and identification systems,  
10          in order to address violent crimes against  
11          women,

12          “(iv) the establishment of an employee  
13          assistance line or other employee assist-  
14          ance services about violent crimes against  
15          women, for the use of individual employees,  
16          including counseling or referral services  
17          undertaken in consultation and coordina-  
18          tion with national, State, or local domestic  
19          violence and sexual assault coalitions or  
20          programs,

21          “(v) the retention of an attorney to  
22          provide legal services to employees seeking  
23          restraining orders or other legal recourse  
24          from violent crimes against women,

1           “(vi) the establishment of medical  
2 services addressing the medical needs of  
3 employees who are victims of violent crimes  
4 against women,

5           “(vii) the retention of a financial ex-  
6 pert or an accountant to provide financial  
7 counseling to employees seeking to escape  
8 from violent crimes against women,

9           “(viii) the establishment of an edu-  
10 cation program for employees, consisting of  
11 seminars or training sessions about violent  
12 crimes against women undertaken in con-  
13 sultation and coordination with national,  
14 State, or local domestic violence and sexual  
15 assault coalitions or programs,

16           “(ix) studies of the cost, impact, or  
17 extent of violent crimes against women at  
18 the employer’s place of business, if such  
19 studies are made available to the public  
20 and protect the identity of employees in-  
21 cluded in the study,

22           “(x) the publication of a regularly dis-  
23 seminated newsletter or other regularly  
24 disseminated educational materials about  
25 violent crimes against women,

1           “(xi) the implementation of leave poli-  
2           cies for the purpose of allowing or that ac-  
3           commodate the needs of victims of violent  
4           crimes against women to pursue legal re-  
5           dress against assailants, including leave  
6           from work to attend meetings with attor-  
7           neys, to give evidentiary statements or  
8           depositions, and to attend hearings or  
9           trials in court,

10          “(xii) the implementation of flexible  
11          work policies for the purpose of allowing or  
12          that accommodate the needs of employees  
13          who are victims of violent crimes against  
14          women, or employees at risk with respect  
15          to such crimes, to avoid assailants,

16          “(xiii) the implementation of transfer  
17          policies for the purpose of allowing or that  
18          accommodate the needs of employees sub-  
19          jected to violent crimes against women to  
20          change office locations within the company  
21          in order to avoid assailants or to allow the  
22          transfer of an employee who has per-  
23          petrated violent crimes against women in  
24          order to protect the victim, including pay-  
25          ment of costs for the transfer and reloca-

tion of an employee to another city, county, State, or country for the purpose of maintaining an employee's safety from violent crimes against women, or

“(xiv) the provision of any of the services described in clauses (iv) through (viii) to the spouses and/or the dependents of employees.

“(C) NOTIFICATION OF POSSIBLE TAX CONSEQUENCES.—In no event shall any cost for goods or services which may be included in the income of any employee receiving or benefiting from such goods or services be treated as a violence against women safety and education cost unless the employer notifies the employee in writing of the possibility of such inclusion.

“(2) VIOLENT CRIMES AGAINST WOMEN.—

“(A) IN GENERAL.—The term ‘violent crimes against women’ includes sexual assault and domestic violence.

“(B) DOMESTIC VIOLENCE.—The term ‘domestic violence’ includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares

1 a child in common, by a person who is cohabi-  
2 tating with or has cohabitated with the victim,  
3 by a person who is or has been in a continuing  
4 social relationship of a romantic or intimate na-  
5 ture with the victim, by a person similarly situ-  
6 ated to a spouse of the victim under the domes-  
7 tic or family violence laws of the jurisdiction, or  
8 by any other person against a victim who is  
9 protected from that person's acts under the do-  
10 mestic or family violence laws of the jurisdic-  
11 tion.

12 “(C) SEXUAL ASSAULT.—The term ‘sexual  
13 assault’ means any conduct proscribed by chap-  
14 ter 109A of title 18, United States Code,  
15 whether or not the conduct occurs in the special  
16 maritime and territorial jurisdiction of the  
17 United States or in a Federal prison and in-  
18 cludes both assaults committed by offenders  
19 who are strangers to the victim and assaults  
20 committed by offenders who are known to the  
21 victim or related by blood or marriage to the  
22 victim.

23 “(3) EMPLOYEE AND EMPLOYER.—

1                   “(A) PARTNERS AND PARTNERSHIPS.—

2                   The term ‘employee’ includes a partner and the  
3                   term ‘employer’ includes a partnership.

4                   “(B) RELATED PERSONS.—Persons shall  
5                   be treated as related to each other if such per-  
6                   sons are treated as a single employer under  
7                   subsection (a) or (b) of section 52.

8                   “(c) COORDINATION WITH OTHER PROVISIONS.—No  
9                   credit or deduction shall be allowed under any other provi-  
10                  sion of this title for any amount for which a credit is al-  
11                  lowed under this section.”

12                  (b) CARRYFORWARD, CARRYBACK, AND DEDUCTION  
13                  FOR UNUSED CREDITS.—

14                  (1) CARRYFORWARD AND CARRYBACK.—Sub-  
15                  section (b) of section 38 of such Code (relating to  
16                  general business credit) is amended by striking  
17                  “plus” at the end of paragraph (11), by striking the  
18                  period at the end of paragraph (12) and inserting “,  
19                  plus”, and by adding at the end the following new  
20                  paragraph:

21                  “(13) the workplace safety program credit de-  
22                  termined under section 45D.”

23                  (2) TRANSITIONAL RULE FOR CARRYBACKS.—  
24                  Subsection (d) of section 39 of such Code (relating

1 to transitional rules) is amended by adding at the  
2 end the following new paragraph:

3 “(8) NO CARRYBACK OF SECTION 45D CREDIT  
4 BEFORE EFFECTIVE DATE.—No portion of the un-  
5 used business credit for any taxable year which is  
6 attributable to the workplace safety program credit  
7 determined under section 45D may be carried back  
8 to a taxable year beginning on or before the date of  
9 the enactment of section 45D.”

10 (3) DEDUCTION FOR UNUSED CREDITS.—Sub-  
11 section (c) of section 196 of such Code (relating to  
12 deduction for certain unused business credits) is  
13 amended by striking “and” at the end of paragraph  
14 (6), by striking the period at the end of paragraph  
15 (7) and inserting “, and”, and by adding at the end  
16 the following new paragraph:

17 “(8) the workplace safety program credit deter-  
18 mined under section 45D.”

19 (c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—  
20 The allowance of a credit under section 45D of the Inter-  
21 nal Revenue Code of 1986 (as added by this subtitle) shall  
22 not absolve employers of their responsibilities under any  
23 other law and shall not be construed as a defense to any  
24 legal action (other than legal action by the Secretary of  
25 the Treasury under such Code).



1 (d) CLERICAL AMENDMENT.—The table of sections  
 2 for subpart D of part IV of subchapter A of chapter 1  
 3 of such Code is amended by adding at the end the follow-  
 4 ing new item:

“Sec. 45D. Workplace safety program credit.”

5 (e) EFFECTIVE DATE.—The amendments made by  
 6 this section shall apply to taxable years beginning after  
 7 the date of the enactment of this Act.

## 8 **Subtitle D—Battered Women’s** 9 **Employment Protection**

### 10 **SEC. 741. SHORT TITLE AND REFERENCE.**

11 (a) SHORT TITLE.—This subtitle may be cited as the  
 12 “Battered Women’s Employment Protection Act ”.

13 (b) REFERENCE.—Whenever in this subtitle an  
 14 amendment or repeal is expressed in terms of an amend-  
 15 ment to, or repeal of, a section or other provision, the ref-  
 16 erence shall be considered to be made to a section or other  
 17 provision of the Family and Medical Leave Act of 1993.

### 18 **SEC. 742. PURPOSES.**

19 Pursuant to the affirmative power of Congress to  
 20 enact this Act under section 5 of the Fourteenth Amend-  
 21 ment to the Constitution, as well as under clause 1 of sec-  
 22 tion 8 of Article I of the Constitution and clause 3 of sec-  
 23 tion 8 of Article I of the Constitution, the purposes of  
 24 this subtitle are—

1           (1) to promote the national interest in reducing  
2           domestic violence by enabling victims of domestic vi-  
3           olence to maintain the financial independence nec-  
4           essary to leave abusive situations, to achieve safety  
5           and minimize the physical and emotional injuries  
6           from domestic violence, and to reduce the devastat-  
7           ing economic consequences of domestic violence to  
8           employers and employees, by—

9                   (A) providing unemployment insurance for  
10           victims of domestic violence who are forced to  
11           leave their employment as a result of domestic  
12           violence; and

13                   (B) entitling employed victims of domestic  
14           violence to take reasonable leave under the  
15           Family and Medical Leave Act of 1993 to seek  
16           medical help, legal assistance, counseling, and  
17           safety planning and assistance without penalty  
18           from their employer;

19           (2) to promote the purposes of the Fourteenth  
20           Amendment by protecting the civil and economic  
21           rights of victims of domestic violence and by further-  
22           ing the equal opportunity of women to employment  
23           and economic self-sufficiency;

24           (3) to minimize the negative impact on inter-  
25           state commerce from dislocations of employees and

1 harmful effects on productivity, health care costs,  
2 and employer costs from domestic violence; and

3 (4) to accomplish the purposes described in  
4 paragraphs (1), (2) and (3) in a manner that accom-  
5 modates the legitimate interests of employers.

6 **SEC. 743. UNEMPLOYMENT COMPENSATION.**

7 (a) UNEMPLOYMENT COMPENSATION.—Section  
8 3304(a) of the Internal Revenue Code of 1986 is amend-  
9 ed—

10 (1) by striking “and” at the end of paragraph  
11 (18),

12 (2) by striking the period at the end of para-  
13 graph (19) and inserting “; and”,

14 (3) by adding after paragraph (19) the follow-  
15 ing:

16 “(20) compensation is to be provided where an  
17 individual is separated from employment due to cir-  
18 cumstances directly resulting from the individual’s  
19 experience of domestic violence.”,

20 (4) by redesignating subsections (b) through (f)  
21 as subsections (c) through (g), respectively, and

22 (5) by adding after subsection (a) the following:  
23 “(b) CONSTRUCTION.—

24 “(1) For the purpose of determining, under  
25 subsection (a)(20), whether an employee’s separation

1 from employment is ‘directly resulting’ from the in-  
2 dividual’s experience of domestic violence, it shall be  
3 sufficient if the separation from employment re-  
4 sulted from—

5 “(A) the employee’s reasonable fear of fu-  
6 ture domestic violence at or en route to or from  
7 her place of employment;

8 “(B) the employee’s wish to relocate to an-  
9 other geographic area in order to avoid future  
10 domestic violence against the employee or the  
11 employee’s family;

12 “(C) the employee’s need to recover from  
13 traumatic stress resulting from the employee’s  
14 experience of domestic violence;

15 “(D) the employer’s denial of the employ-  
16 ee’s request for the temporary leave from em-  
17 ployment to address domestic violence and its  
18 effects authorized by section 102 of the Family  
19 and Medical Leave Act of 1993; or

20 “(E) any other respect in which domestic  
21 violence causes the employee to reasonably be-  
22 lieve that termination of employment is nec-  
23 essary for the future safety of the employee or  
24 the employee’s family.

1           “(2) For purposes of subsection (a)(20), where  
2           State law requires the employee to have made rea-  
3           sonable efforts to retain employment as a condition  
4           for receiving unemployment compensation, it shall be  
5           sufficient that the employee—

6                   “(A) sought protection from or assistance  
7                   in responding to domestic violence, including  
8                   calling the police or seeking legal, social work,  
9                   medical, clergy, or other assistance;

10                   “(B) sought safety, including refuge in a  
11                   shelter or temporary or permanent relocation,  
12                   whether or not the employee actually obtained  
13                   such refuge or accomplished such relocation; or

14                   “(C) reasonably believed that options such  
15                   as a leave, transfer, or alternative work sched-  
16                   ule would not be sufficient to guarantee the em-  
17                   ployee or the employee’s family’s safety.

18           “(3) For purposes of subsection (a)(20), where  
19           State law requires the employee to actively search  
20           for employment after separation from employment  
21           as a condition for receiving unemployment com-  
22           pensation, such requirement shall be deemed to be  
23           met where the employee is temporarily unable to ac-  
24           tively search for employment because the employee is  
25           engaged in seeking safety or relief for the employee

1 or the employee's family from domestic violence, in-  
2 cluding—

3 “(A) going into hiding or relocating or at-  
4 tempting to do so, including activities associ-  
5 ated with such relocation or hiding, such as  
6 seeking to obtain sufficient shelter, food, school-  
7 ing for children, or other necessities of life for  
8 the employee or the employee's family;

9 “(B) actively pursuing legal protection or  
10 remedies, including meeting with the police,  
11 going to court to make inquiries or file papers,  
12 meeting with attorneys, or attending court pro-  
13 ceedings; or

14 “(C) participating in psychological, social,  
15 or religious counseling or support activities to  
16 assist the employee in ending domestic violence.

17 “(4) In determining if an employee meets the  
18 requirements of paragraphs (1), (2), and (3), the  
19 employer of an employee may require the employee  
20 to provide—

21 “(A) documentation of the domestic vio-  
22 lence, such as police or court records, or docu-  
23 mentation of the domestic violence from a shel-  
24 ter worker or employee of a domestic violence  
25 program, attorney, clergy, or medical or other

1 professional from whom the employee has  
2 sought assistance in addressing domestic vio-  
3 lence and its effects; or

4 “(B) other corroborating evidence, such as  
5 a statement from any other individual with  
6 knowledge of the circumstances which provide  
7 the basis for the claim, or physical evidence of  
8 domestic violence, such as photographs, torn or  
9 bloody clothes, etc.”.

10 All evidence of domestic violence experienced by an  
11 employee, including an employee’s statement, any  
12 corroborating evidence, and the fact that an em-  
13 ployee has applied for or inquired about unemploy-  
14 ment compensation available under section  
15 3304(a)(20) shall be retained in the strictest con-  
16 fidence of the employer, except to the extent con-  
17 sented to by the employee where disclosure is nec-  
18 essary to protect the employee’s safety.”.

19 (b) SOCIAL SECURITY PERSONNEL TRAINING.—Sec-  
20 tion 303(a) of the Social Security Act (42 U.S.C.  
21 503(a)(4)) is amended by redesignating paragraphs (4)  
22 through (10) as paragraphs (5) through (11), respectively,  
23 and by adding after paragraph (3) the following:

24 “(4) Such methods of administration as will en-  
25 sure that claims reviewers and hearing personnel are

1 adequately trained in the nature and dynamics of  
2 domestic violence and in methods of ascertaining  
3 and keeping confidential information about possible  
4 experiences of domestic violence, so that employment  
5 separations stemming from domestic violence are re-  
6 liably screened, identified, and adjudicated and full  
7 confidentiality is provided for the employee's claim  
8 and submitted evidence.”.

9 (c) DEFINITIONS.—Section 3306 of the Internal Rev-  
10 enue Code of 1986 is amended by adding at the end the  
11 following:

12 “(u) DOMESTIC VIOLENCE.—The term “domestic vi-  
13 olence” includes acts or threats of violence, not including  
14 acts of self-defense, committed by a current or former  
15 spouse of the victim, by a person with whom the victim  
16 shares a child in common, by a person who is cohabitating  
17 with or has cohabitated with the victim, by a person who  
18 is or has been in a continuing social relationship of a ro-  
19 mantic or intimate nature with the victim, by a person  
20 similarly situated to a spouse of the victim under the do-  
21 mestic or family violence laws of the jurisdiction, or by  
22 any other person against a victim who is protected from  
23 that person's acts under the domestic or family violence  
24 laws of the jurisdiction.”.



1 **SEC. 744. ENTITLEMENT TO LEAVE FOR DOMESTIC VIO-**  
2 **LENCE.**

3 (a) **AUTHORITY FOR LEAVE.**—Section 102(a)(1) (29  
4 U.S.C. 2612(a)(1)) is amended by adding at the end the  
5 following:

6 “(E) In order to care for the child or par-  
7 ent of the employee, if such child or parent is  
8 addressing domestic violence and its effects.

9 “(F) Because the employee is addressing  
10 domestic violence and its effects, the employee  
11 is unable to perform any of the functions of the  
12 position of such employee.”.

13 (b) **DEFINITION.**—Section 101 (29 U.S.C. 2611) is  
14 amended by adding at the end the following:

15 “(14) **ADDRESSING DOMESTIC VIOLENCE AND**  
16 **ITS EFFECTS.**—The term ‘addressing domestic vio-

17 **lence and its effects’ means—**  
18 “(A) experiencing domestic violence,

19 “(B) seeking medical attention for or re-  
20 covering from injuries caused by domestic vio-  
21 lence,

22 “(C) seeking legal assistance or remedies,  
23 including communicating with the police or an  
24 attorney, or participating in any legal proceed-  
25 ing related to domestic violence,

1           “(D) attending support groups for victims  
2           of domestic violence,

3           “(E) obtaining psychological counseling re-  
4           lated to experiences of domestic violence,

5           “(F) participating in safety planning and  
6           other actions to increase safety from future do-  
7           mestic violence, including temporary or perma-  
8           nent relocation and

9           “(G) any other activity necessitated by do-  
10          mestic violence which must be undertaken dur-  
11          ing hours of employment.”.

12          (c) INTERMITTENT OR REDUCED LEAVE.—Section  
13   102(b) (29 U.S.C. 2612(b)) is amended by adding at the  
14   end the following:

15           “(3) DOMESTIC VIOLENCE.—Leave under sub-  
16          paragraph (E) or (F) of subsection (a)(1) may be  
17          taken by an employee intermittently or on a reduced  
18          leave schedule. The taking of leave intermittently or  
19          on a reduced leave schedule pursuant to this para-  
20          graph shall not result in a reduction in the total  
21          amount of leave to which the employee is entitled  
22          under subsection (a) beyond the amount of leave ac-  
23          tually taken.”.

1 (d) PAID LEAVE.—Section 102(d)(2) (29 U.S.C.  
2 2612(d)) is amended by striking “(C) or (D)” and insert-  
3 ing “(C), (D), (E), or (F)”.

4 (e) CERTIFICATION.—Section 103 (29 U.S.C. 2613)  
5 is amended by redesignating subsection (e) as subsection  
6 (f) and by inserting after subsection (d) the following:

7 “(e) DOMESTIC VIOLENCE.—In determining if an  
8 employee meets the requirements of subparagraph (E) or  
9 (F) of section 102(a)(1), the employer of an employee may  
10 require the employee to provide—

11 “(1) documentation of the domestic violence,  
12 such as police or court records, or documentation of  
13 the domestic violence from a shelter worker, attor-  
14 ney, clergy, or medical or other professional from  
15 whom the employee has sought assistance in ad-  
16 dressing domestic violence and its effects; or

17 “(2) other corroborating evidence, such as a  
18 statement from any other individual with knowledge  
19 of the circumstances which provide the basis for the  
20 claim, or physical evidence of domestic violence, such  
21 as photographs, torn or bloody clothes, etc.”.

22 (f) CONFIDENTIALITY.—Section 103 (29 U.S.C.  
23 2613), as amended by subsection (e), is amended—

24 (1) in the title by adding before the period the  
25 following: “; **CONFIDENTIALITY**”, and

1 (2) by adding at the end the following:

2 “(g) CONFIDENTIALITY.—All evidence of domestic vi-  
3 olence experienced by an employee or the employee’s child  
4 or parent, including an employee’s statement, any corrobo-  
5 rating evidence, and the fact that an employee has re-  
6 quested leave for the purpose of addressing domestic vio-  
7 lence and its effects, shall be retained in the strictest con-  
8 fidence by the employer, except to the extent consented  
9 to by the employee where disclosure is necessary to protect  
10 the employee’s safety or the safety of coworkers or re-  
11 quested by the employee to document domestic violence  
12 to a court or agency.”.

13 **SEC. 745. ENTITLEMENT TO LEAVE FOR FEDERAL EMPLOY-**  
14 **EES FOR DOMESTIC VIOLENCE.**

15 (a) AUTHORITY FOR LEAVE.—Section 6382 of title  
16 5, United States Code is amended by adding at the end  
17 the following:

18 “(E) In order to care for the child or parent of  
19 the employee, if such child or parent is addressing  
20 domestic violence and its effects.

21 “(F) Because the employee is addressing do-  
22 mestic violence and its effects, the employee is un-  
23 able to perform any of the functions of the position  
24 of such employee.”.

1       (b) DEFINITION.—Section 6381 of title 5, United  
2 States Code is amended by striking “and” at the end of  
3 paragraph (5), by striking the period at the end of para-  
4 graph (6) and inserting “; and” and by adding at the end  
5 the following:

6               “(7) the term ‘addressing domestic violence and  
7 its effects’ means—

8               “(A) experiencing domestic violence,

9               “(B) seeking medical attention for or re-  
10              covering from injuries caused by domestic vio-  
11              lence,

12              “(C) seeking legal assistance or remedies,  
13              including communicating with the police or an  
14              attorney, or participating in any legal proceed-  
15              ing related to domestic violence,

16              “(D) attending support groups for victims  
17              of domestic violence,

18              “(E) obtaining psychological counseling re-  
19              lated to experiences of domestic violence,

20              “(F) participating in safety planning and  
21              other actions to increase safety from future do-  
22              mestic violence, including temporary or perma-  
23              nent relocation and

1           “(G) any other activity necessitated by do-  
2           mestic violence which must be undertaken dur-  
3           ing hours of employment.”.

4           (c) INTERMITTENT OR REDUCED LEAVE.—Section  
5   6382(b) of title 5, United States Code, is amended by add-  
6   ing at the end the following:

7           “(3) Leave under subparagraph (E) or (F) of  
8           subsection (a)(1) may be taken by an employee  
9           intermittently or on a reduced leave schedule. The  
10          taking of leave intermittently or on a reduced leave  
11          schedule pursuant to this paragraph shall not result  
12          in a reduction in the total amount of leave to which  
13          the employee is entitled under subsection (a) beyond  
14          the amount of leave actually taken.”.

15          (d) OTHER LEAVE.—Section 6382(d) of title 5,  
16   United States Code, is amended by striking “(C) or (D)”  
17   and inserting “(C), (D), (E), or (F)”.

18          (e) CERTIFICATION.—Section 6383 of title 5, United  
19   States Code, is amended by redesignating subsection (e)  
20   as subsection (f) and by inserting after subsection (d) the  
21   following:

22          “(e) DOMESTIC VIOLENCE.—In determining if an  
23   employee meets the requirements of subparagraph (E) or  
24   (F) of section 6382(a)(1), the employer of an employee  
25   may require the employee to provide—

1           “(1) documentation of the domestic violence,  
2       such as police or court records, or documentation of  
3       the domestic violence from a shelter worker, attor-  
4       ney, clergy, or medical or other professional from  
5       whom the employee has sought assistance in ad-  
6       dressing domestic violence and its effects; or

7           “(2) other corroborating evidence, such as a  
8       statement from any other individual with knowledge  
9       of the circumstances which provide the basis for the  
10      claim, or physical evidence of domestic violence, such  
11      as photographs, torn or bloody clothes, etc.”.

12      (f) CONFIDENTIALITY.—Section 6383 of title 5,  
13      United States Code, as amended by subsection (e), is  
14      amended—

15           (1) in the title by adding before the period the  
16      following: **“; CONFIDENTIALITY”**, and

17           (2) by adding at the end the following:

18      “(g) CONFIDENTIALITY.—All evidence of domestic vi-  
19      olence experienced by an employee or the employee’s child  
20      or parent, including an employee’s statement, any corrobo-  
21      rating evidence, and the fact that an employee has re-  
22      quested leave for the purpose of addressing domestic vio-  
23      lence and its effects, shall be retained in the strictest con-  
24      fidence by the employer, except to the extent consented  
25      to by the employee where disclosure is necessary to protect

1 the employee's safety or the safety of coworkers or re-  
2 quested by the employee to provide documentation to a  
3 court or agency.''.  
4

5 **SEC. 746. EXISTING LEAVE USABLE FOR DOMESTIC VIO-**  
6 **LENCE.**

7 (a) USE OF EXISTING LEAVE.—Where an employee  
8 would be otherwise entitled to take paid or unpaid leave  
9 (including family, medical, sick, annual, personal, or simi-  
10 lar leave) from employment pursuant to State law, an ex-  
11 isting benefits program or plan, or a collective bargaining  
12 agreement, employees shall be permitted to use such leave  
13 for the purpose of addressing domestic violence and its  
14 effects, or for the purpose of caring for a child or parent  
15 of the employee, if such child or parent is addressing do-  
mestic violence and its effects.

16 (b) DEFINITIONS.—As used in this subtitle:

17 (1) The term “addressing domestic violence and  
18 its effects” shall have the same meaning as is given  
19 such phrase by section 101(14) of the Family and  
20 Medical Leave Act of 1993 (29 U.S.C. 2611(14)), as  
21 amended by section 744(b) of this Act.

22 (2) The term “employer” includes any person  
23 acting directly or indirectly in the interest of an em-  
24 ployer in relation to any employee, if such person is  
25 also subject to the Family and Medical Leave Act of



1       1993 (29 U.S.C. 2601 et seq.) or to any State law  
2       or benefits program or plan addressing paid or un-  
3       paid leave from employment (including family, medi-  
4       cal, sick, annual, personal, or similar leave). The  
5       term “employer” includes a public agency but does  
6       not include any labor organization (other than when  
7       acting as an employer) or anyone acting in the ca-  
8       pacity of officer or agent of such labor organization.

9           (3) The term “employee” shall have the same  
10       meaning as is given such term by section 701(f) of  
11       the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)).

12       (c) CERTIFICATION.—In determining whether an em-  
13       ployee qualifies for the leave described in subsection (a),  
14       an employer may require documentation of domestic vio-  
15       lence or corroborating evidence consistent with the provi-  
16       sions of section 103 of the Family and Medical Leave Act  
17       of 1993 (29 U.S.C. 2613(e)), as amended by section  
18       744(e) of this Act.

19       (d) CONFIDENTIALITY.—All evidence of domestic vio-  
20       lence experienced by an employee or the employee’s child  
21       or parent, including an employee’s statement, any docu-  
22       mentation or corroborating evidence, and the fact that the  
23       employee has requested leave for the purpose of address-  
24       ing domestic violence and its effects, shall be retained in  
25       the strictest confidence by the employer, except to the ex-

1 tent consented to by the employee in order to protect the  
2 employee's safety or the safety of coworkers, or requested  
3 by the employee to document domestic violence to a court  
4 or agency.

5 (e) ENFORCEMENT.—

6 (1) PUBLIC ENFORCEMENT.—The Secretary of  
7 Labor shall have the powers set forth in subsections  
8 (b), (c), (d), and (e) of section 107 of the Family  
9 and Medical Leave Act of 1993 (29 U.S.C. 2617)  
10 for the purpose of public enforcement of any alleged  
11 violation of this section against any employer.

12 (2) PRIVATE ENFORCEMENT.—The remedies  
13 and procedures set forth in subsection (a) of section  
14 107 of the Family and Medical Leave Act of 1993  
15 (29 U.S.C. 2617) shall be the remedies and proce-  
16 dures pursuant to which an employee may initiate a  
17 legal action against an employer for alleged viola-  
18 tions of this section.

19 (3) EMPLOYER LIABILITY UNDER OTHER  
20 LAWS.—Nothing in this section shall be construed to  
21 limit the liability of an employer to an employee for  
22 harm suffered relating to the employee's experience  
23 of domestic violence pursuant to any other State or  
24 Federal law or legal remedy.

1 **SEC. 747. EFFECT ON OTHER LAWS AND EMPLOYMENT BEN-**  
2 **EFITS.**

3 (a) MORE PROTECTIVE.—Nothing in this subtitle or  
4 the amendments made by this subtitle shall be construed  
5 to supersede any provision of any Federal, State or local  
6 law, collective bargaining agreement, or other employment  
7 benefit program which provides greater unemployment  
8 compensation or leave benefits for employed victims of do-  
9 mestic violence than the rights established under this sub-  
10 title or such amendments.

11 (b) LESS PROTECTIVE.—The rights established for  
12 employees under this subtitle or the amendments made by  
13 this subtitle shall not be diminished by any collective bar-  
14 gaining agreement, any employment benefit program or  
15 plan, or any State or local law.

16 **SEC. 748. EFFECTIVE DATE.**

17 (a) GENERAL RULE.—Except as provided in sub-  
18 section (b), this subtitle and the amendments made by this  
19 subtitle shall take effect upon the expiration of 180 days  
20 from the date of the enactment of this Act.

21 (b) UNEMPLOYMENT COMPENSATION.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (2), the amendments made by section 743  
24 shall apply in the case of compensation paid for  
25 weeks beginning on or after the expiration of 180  
26 days from the date of the enactment of this Act.

1           (2) MEETING OF STATE LEGISLATURE.—In the  
2       case of a State with respect to which the Secretary  
3       of Labor has determined that the State legislature  
4       is required in order to comply with the amendments  
5       made by section 743, the amendments made by sec-  
6       tion 743 shall apply in the case of compensation  
7       paid for weeks which begin on or after the expiration  
8       of 180 days from the date of the enactment of this  
9       Act and after the end of the first session of the  
10      State legislature which begins after the date of the  
11      enactment of this Act or which began prior to the  
12      date of the enactment of this Act and remained in  
13      session for at least 25 calendar days after such date  
14      of enactment. For purposes of the preceding sen-  
15      tence, the term “session” means a regular, special,  
16      budget, or other session of a State legislature.

17 **Subtitle E—Education and Train-**  
18 **ing Grants To Promote Re-**  
19 **sponses to Violence Against**  
20 **Women**

21 **SEC. 751. EDUCATION AND TRAINING GRANTS TO PROMOTE**  
22 **APPROPRIATE RESPONSES TO VIOLENCE**  
23 **AGAINST WOMEN.**

24       (a) DEFINITION OF DOMESTIC VIOLENCE.—The  
25      term “domestic violence” includes acts or threats of vio-

1 lence, not including acts of self defense, committed by a  
2 current or former spouse of the victim, by a person with  
3 whom the victim shares a child in common, by a person  
4 who is cohabitating with or has cohabitated with the vic-  
5 tim, by a person who is or has been in a continuing social  
6 relationship of a romantic or intimate nature with the vic-  
7 tim, by a person similarly situated to a spouse of the vic-  
8 tim under the domestic or family violence laws of the juris-  
9 diction, or by any other person against a victim who is  
10 protected from that person's acts under the domestic or  
11 family violence laws of the jurisdiction.

12 (b) DEFINITION OF SEXUAL ASSAULT.—The term  
13 “sexual assault” means any conduct proscribed by chapter  
14 109A of title 18, United States Code, whether or not the  
15 conduct occurs in the special maritime and territorial ju-  
16 risdiction of the United States or in a Federal prison and  
17 includes both assaults committed by offenders who are  
18 strangers to the victim and assaults committed by offend-  
19 ers who are known to the victim or related by blood or  
20 marriage to the victim.

21 (c) AUTHORITY.—The Attorney General may make  
22 grants in accordance with this section to public and pri-  
23 vate nonprofit nongovernmental entities including tribally  
24 chartered organizations and nonprofit organizations oper-  
25 ating within the boundaries of an Indian reservation whose

1 governing body reflects the populations served that, in the  
2 determination of the Attorney General, have—

3 (1) recognized expertise in the area of domestic  
4 violence and sexual assault;

5 (2) a record of commitment and quality re-  
6 sponses to reduce domestic violence and sexual as-  
7 sault; and

8 (3) demonstrated collaboration and cooperation  
9 with groups or individuals with recognized expertise  
10 in assisting individuals who are eligible for the bene-  
11 fits described in subsection (d).

12 (d) GRANTS.—

13 (1) PURPOSE.—Grants under this section shall  
14 be used for the purposes of developing, testing, pre-  
15 senting, and disseminating model programs to pro-  
16 vide education and training to individuals likely to  
17 come into contact with victims of domestic violence  
18 or sexual assault due to their employment respon-  
19 sibilities, including, but not limited to—

20 (A) campus personnel, such as administra-  
21 tors, housing officers, resident advisors, coun-  
22 selors, and others;

23 (B) caseworkers, supervisors, administra-  
24 tors, administrative law judges, and other indi-  
25 viduals administering Federal and State bene-

1 fits programs, such as child welfare and child  
2 protective services, Temporary Assistance to  
3 Needy Families, social security disability, child  
4 support, Medicaid, unemployment, workers'  
5 compensation, and similar programs;

6 (C) justice system professionals, such as  
7 court personnel, guardians ad litem and other  
8 individuals appointed to represent or evaluate  
9 children, probation and parole officers, bail  
10 commissioners, judges, and attorneys;

11 (D) mental and behavioral health profes-  
12 sionals, such as psychologists, psychiatrists, so-  
13 cial workers, therapists, counselors, and others;

14 (E) religious professionals, such as  
15 clergypersons and lay employees; and

16 (F) health care professionals, such as those  
17 from the fields of medicine, osteopathy, and  
18 nursing, physicians' assistants, and allied pro-  
19 fessionals.

20 (2) PRIORITY.—In awarding such grants, the  
21 Attorney General shall give priority to the individual  
22 areas, professions, and personnel described in sub-  
23 paragraphs (A) through (E) of paragraph (1) that  
24 are currently being supported less extensively by  
25 other Federal, State, and private funding sources, as

1 well as those that address the needs of underserved  
 2 populations (as that term is defined in 42 U.S.C.  
 3 3796gg-2(7), as amended by title VI of this Act).

4 (3) TRIBAL ORGANIZATIONS ELIGIBILITY.—  
 5 Nothing shall preclude tribally chartered organiza-  
 6 tions and nonprofit organizations located within the  
 7 boundaries of an Indian reservation from eligibility  
 8 for grants under this section.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
 10 authorized to be appropriated to carry out this section  
 11 \$5,000,000 each for domestic violence and sexual assault  
 12 programs for each of fiscal years 1999 through 2003.

## 13 **Subtitle F—Workers’ Compensation**

### 14 **SEC. 761. SENSE OF CONGRESS REGARDING WORKPLACE** 15 **VIOLENCE AGAINST WOMEN AND WORKERS’** 16 **COMPENSATION.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) Women are frequently denied legal redress  
 19 to recover for losses that have resulted from the  
 20 workplace violence;

21 (2) Women are denied workers’ compensation  
 22 recovery if they are deemed not to have suffered a  
 23 physical injury after they are raped;

24 (3) In approximately half the States, interpreta-  
 25 tions of State workers’ compensation laws may pre-



1       clude women from pursuing legal claims resulting  
2       from workplace violence; for example, for an employ-  
3       er's negligence that resulted in the violence; con-  
4       sequently recovery may be limited to the amount  
5       permitted by workers' compensation statutes; and

6               (4) Other States recognize that workplace vio-  
7       lence against women, including rapes and sexual as-  
8       sault, may fall within various exceptions to State  
9       workers' compensation laws.

10   Affording victims of workplace violence against women ac-  
11   cess to legal redress outside the workers' compensation  
12   system will assist women in recovering from violent  
13   crimes, encourage employers to take all reasonable preven-  
14   tive measures, and help improve the productivity and safe-  
15   ty of American workplaces.

16       (b) SENSE OF CONGRESS.—It is the sense of Con-  
17   gress that—

18               (1) State workers' compensation laws should  
19       provide benefits to women who are victims of work-  
20       place violence who are eligible for such benefits, in-  
21       cluding full compensation for physical and nonphys-  
22       ical injuries; and

23               (2) State workers' compensation laws should  
24       also permit the employee to pursue an action at law  
25       against an employer, other than statutory workers'

1 compensation benefits, based on the employer's role  
2 in the act of workplace violence.

3 **TITLE VIII—EDUCATIONAL IN-**  
4 **STITUTIONS AND VIOLENCE**  
5 **AGAINST WOMEN**

6 **Subtitle A—Grants To Reduce Vio-**  
7 **lent Crimes Against Women on**  
8 **Campus**

9 **SEC. 801. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**  
10 **WOMEN ON CAMPUSES.**

11 (a) IN GENERAL.—Title I of the Omnibus Crime  
12 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
13 et seq.) is amended—

14 (1) by redesignating part U as part V;

15 (2) by redesignating section 2101 as section  
16 2201; and

17 (3) by inserting after part T the following new  
18 part:

19 **“PART U—GRANTS TO COMBAT VIOLENT CRIMES**  
20 **AGAINST WOMEN ON CAMPUSES**

21 **“SEC. 2101. PURPOSE OF THE PROGRAM AND GRANTS.**

22 “(a) GENERAL PROGRAM PURPOSE.—The purpose of  
23 this part is to assist campus administrators and campus  
24 security personnel (including employees, contractors, and  
25 volunteers) to develop and strengthen effective security

1 and investigation strategies to combat violent crimes  
2 against women on campuses, particularly sexual assault,  
3 stalking, and domestic violence and to develop and  
4 strengthen victim services in cases involving violent crimes  
5 against women on campuses which may include partner-  
6 ships with local criminal justice authorities and commu-  
7 nity-based victims services agencies.

8 “(b) PURPOSES FOR WHICH GRANTS MAY BE  
9 USED.—Grants under this part shall provide personnel,  
10 training, technical assistance, data collection, and other  
11 equipment for the more widespread apprehension, inves-  
12 tigation, and adjudication of persons committing violent  
13 crimes against women on campuses, and specifically, for  
14 the purposes of—

15 “(1) training campus administrators and cam-  
16 pus security personnel to more effectively identify  
17 and respond to violent crimes against women on  
18 campus, including the crimes of sexual assault,  
19 stalking, and domestic violence;

20 “(2) developing and implementing more effec-  
21 tive campus security and investigative policies, pro-  
22 tocols, orders, and services specifically devoted to  
23 preventing, identifying, and responding to violent  
24 crimes against women on campus, including the

1 crimes of sexual assault, stalking, and domestic vio-  
2 lence;

3 “(3) developing, enlarging, or strengthening vic-  
4 tim services programs, as defined in 42 U.S.C.  
5 3796gg–2(8), for local campuses, including sexual  
6 assault, stalking, and domestic violence programs;  
7 developing or improving delivery of victim services  
8 on campuses, including on-campus programs that  
9 provide counseling, support, and victim advocacy,  
10 whether or not organized and staffed by students in  
11 coordination with community-based victim services;

12 “(4) supporting improved coordination between  
13 campus administrators and campus security person-  
14 nel, and local criminal justice authorities to reduce  
15 violent crimes against women on campus.

16 **“SEC. 2102. GRANTS.**

17 “(a) GENERAL GRANTS.—The Department of Edu-  
18 cation may make grants to institutions of higher education  
19 for use by campus personnel and student organizations,  
20 and nonprofit nongovernmental victim services programs  
21 for the purposes described in section 2101(b).

22 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated \$10,000,000 for each  
24 of fiscal years 1999, 2000, 2001, 2002, and 2003, to carry  
25 out the purposes of this section.

1       “(c) QUALIFICATION.—Upon satisfying the terms of  
2 subsection (d), any entity described in subsection (a) shall  
3 be qualified for funds provided under this part upon cer-  
4 tification that—

5               “(1) the funds shall be used for any of the pur-  
6 poses described in section 2101(b);

7               “(2) grantees shall develop a plan for imple-  
8 mentation and shall consult and coordinate with  
9 nonprofit, nongovernmental victim services pro-  
10 grams, including sexual assault and domestic vio-  
11 lence victim services programs and State sexual as-  
12 sault and domestic violence coalitions;

13               “(3) of the total grant amount awarded by the  
14 Secretary, grantees shall make the following alloca-  
15 tions:

16                       “(A) at least 20 percent shall be allocated  
17 each to campus security and to campus admin-  
18 istrators;

19                       “(B) at least 10 percent shall be allocated  
20 to the purposes described in section 2101(b)(4);  
21 and

22                       “(C) At least 30 percent shall be allocated  
23 to victims’ services programs; and

24               “(4) any Federal funds received under this part  
25 shall be used to supplement, not supplant, non-Fed-

1       eral funds that would otherwise be available for ac-  
2       tivities funded under this subtitle.

3       “(d) APPLICATION REQUIREMENTS.—The applica-  
4       tion requirements provided in section 513 (42 U.S.C.  
5       3763) shall apply under this part. In addition, each appli-  
6       cation should include the certifications of qualification re-  
7       quired by subsection (c), including documentation from  
8       nonprofit, nongovernmental victim services programs, de-  
9       scribing their participation in developing the plan required  
10      by subsection (c)(2). An application shall include—

11           “(1) documentation from the institution and  
12      victim services programs to be assisted, demonstrat-  
13      ing—

14                   “(A) need for the grant funds;

15                   “(B) intended use of the grant funds;

16                   “(C) expected results from the use of the  
17      grants funds; and

18                   “(D) characteristics of the population  
19      being served, including number of students and  
20      type of campus and demographic characteristics  
21      of the population and documentation of services  
22      to underserved populations, as that term is de-  
23      fined in 42 U.S.C. 3796gg-2(7), as amended by  
24      title VI of this Act.

25      “(e) DISBURSEMENT.—

1           “(1) IN GENERAL.—Not later than 60 days  
2           after the receipt of an application under this part,  
3           the Secretary shall—

4                   “(A) disburse the appropriate sums pro-  
5                   vided for under this part; or

6                   “(B) inform the applicant why the applica-  
7                   tion does not conform to the terms of section  
8                   513 (42 U.S.C. 3763) or to the requirements of  
9                   this section.

10           “(2) REGULATIONS.—In disbursing moneys  
11           under this part, the Secretary shall—

12                   “(A) give priority to areas of varying geo-  
13                   graphic size with the greatest showing of need  
14                   based on the availability of existing domestic vi-  
15                   olence, stalking, and sexual assault programs  
16                   on the campuses to be served in relation to the  
17                   availability of such programs on other such  
18                   campuses;

19                   “(B) equitably distribute moneys on a geo-  
20                   graphic basis including nonurban and rural  
21                   areas of various geographic sizes; and

22                   “(C) recognize and address the needs of  
23                   underserved populations.

24           “(f) FEDERAL SHARE.—The Federal share of a  
25           grant made under this subtitle may not exceed 75 percent

1 of the total cost of the projects described in the application  
2 submitted.

3 **“SEC. 2103. DEFINITIONS.**

4 “In this part—

5 “(1) the term ‘domestic violence’ includes acts  
6 or threats of violence, not including acts of self de-  
7 fense, committed by a current or former spouse of  
8 the victim, by a person with whom the victim shares  
9 a child in common, by a person who is cohabitating  
10 with or has cohabitated with the victim, by a person  
11 who is or has been in a continuing social relationship  
12 of a romantic or intimate nature with the victim, by  
13 a person similarly situated to a spouse of the victim  
14 under the domestic or family violence laws of the ju-  
15 risdiction, or by any other person against a victim  
16 who is protected from that person’s acts under the  
17 domestic or family violence laws of the jurisdiction;  
18 and

19 “(2) the term ‘sexual assault’ means any con-  
20 duct proscribed by chapter 109A of title 18, United  
21 States Code, whether or not the conduct occurs in  
22 the special maritime and territorial jurisdiction of  
23 the United States or in a Federal prison and in-  
24 cludes both assaults committed by offenders who are  
25 strangers to the victim and assaults committed by



1 offenders who are known to the victim or related by  
2 blood or marriage to the victim.

3 **“SEC. 2104. GENERAL TERMS AND CONDITIONS.**

4 “(a) NONMONETARY ASSISTANCE.—In addition to  
5 the assistance provided under this part, the Secretary may  
6 request any Federal agency to use its authorities and the  
7 resources granted to it under Federal law (including per-  
8 sonnel, equipment, supplies, facilities, and managerial,  
9 technical, and advisory services) in support of campus se-  
10 curity and investigation and victim service efforts.

11 “(b) REGULATIONS OR GUIDELINES.—Not later than  
12 120 days after the date of enactment of this part, the Sec-  
13 retary shall publish proposed regulations or guidelines im-  
14 plementing this part, including a mechanism for the Sec-  
15 retary to make individual program evaluations publicly  
16 available. Not later than 180 days after the date of enact-  
17 ment, the Secretary shall publish final regulations or  
18 guidelines implementing this part.”.

19 **SEC. 802. NATIONAL BASELINE STUDY ON UNIVERSITY**  
20 **CAMPUS PROCEDURES IN CASE OF A REPORT**  
21 **OF SEXUAL ASSAULT.**

22 (a) STUDY.—The Secretary of Education, in con-  
23 sultation with the Department of Justice, shall provide for  
24 a national baseline study to examine college and university  
25 procedures upon receiving the report of a sexual assault.

1 (b) REPORT.—The study required by subsection (a)  
2 should include the analysis of—

3 (1) the existence and publication of institution’s  
4 and State law definition of sexual assault;

5 (2) the existence and publication of the institu-  
6 tion’s formal policy for campus sexual assaults;

7 (3) to whom reports are stated most often—

8 (A) how these authorities are trained to  
9 deal with the reports; and

10 (B) the extent to which they are trained;

11 (4) the reporting options which are articulated  
12 to the victim or victims of the crime—

13 (A) on campus reporting and procedure  
14 options; and

15 (B) off campus (State) reporting and pro-  
16 cedure options;

17 (5) the resources available for victim’s safety,  
18 support, medical health, and confidentiality—

19 (A) how well these resources are articu-  
20 lated both specifically to the victim of a sexual  
21 assault and generally to the campus at large;  
22 and

23 (B) the security of these resources in  
24 terms of confidentiality or reputation or both;

1           (6) policies and practices that may prevent or  
2           discourage the reporting of campus sexual assaults  
3           to local criminal authorities, or that may otherwise  
4           obstruct justice or interfere with the prosecution of  
5           perpetrators of campus sexual assaults;

6           (7) policies and practices found successful in  
7           aiding the report and any ensuing investigation or  
8           prosecution of a campus sexual assault;

9           (8) the on campus procedures for investigation  
10          and disciplining the perpetrator—

11                 (A) the format for collecting evidence; and

12                 (B) the format of the investigation and  
13          disciplinary proceeding itself—

14                         (i) the faculty responsible for running  
15                         the disciplinary procedure; and

16                         (ii) the persons allowed to attend the  
17                         disciplinary procedure; and

18          (9) types of punishment for offenders—

19                 (A) whether case directed outside to fur-  
20                 ther punishment; and

21                 (B) how individual institutions punish per-  
22                 petrators.

23          (c) SUBMISSION OF REPORT.—The report required  
24          by subsection (b) shall be submitted to Congress no later  
25          than September 1, 1998.

1 (d) DEFINITION.—For purposes of this section, the  
 2 term “campus sexual assaults” includes sexual assaults  
 3 occurring at institutions of postsecondary education and  
 4 sexual assaults committed against or by students or em-  
 5 ployees of such institutions.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 shall be authorized to be appropriated to carry out the  
 8 purposes of this section \$200,000 for fiscal year 1999.

## 9 **Subtitle B—Student Safety**

### 10 **SEC. 811. SHORT TITLE; REFERENCES.**

11 (a) SHORT TITLE.—This subtitle may be cited as the  
 12 “Student Safety Act”.

13 (b) REFERENCES.—Except as otherwise provided  
 14 therein, whenever in this subtitle an amendment or repeal  
 15 is expressed in terms of a section or other provision, such  
 16 amendment or repeal shall be considered to be made to  
 17 a section or other provision of the Higher Education Act  
 18 of 1965 (20 U.S.C. 1001 et seq.).

### 19 **SEC. 812. DISCLOSURE OF CRIMES REPORTED AND CRIME** 20 **LOG.**

21 (a) ANNUAL STATISTICS.—Section 485(f)(1)(F) (20  
 22 U.S.C. 1092(f)(1)(F)) is amended—

23 (1) by striking “campus security authorities or  
 24 local police agencies” and inserting “campus security  
 25 or law enforcement; other campus officials (including

1 administrators, deans, disciplinary officers, athletic  
2 department officials, and resident advisers) to whom  
3 crimes are reported; or local law enforcement”;

4 (2) by striking clauses (i) through (vi) and in-  
5 serting the following:

6 “(i) homicide, including—

7 “(I) murder or nonnegligent man-  
8 slaughter; or

9 “(II) negligent manslaughter;

10 “(ii) sexual assault as defined in section  
11 2003(6) of the Omnibus Crime Control and  
12 Safe Streets Act (42 U.S.C. 3796gg-2(6));

13 “(iii) robbery;

14 “(iv) aggravated assault;

15 “(v) burglary;

16 “(vi) larceny;

17 “(vii) motor vehicle theft; and

18 “(viii) a hate crime as defined under the  
19 Hate Crimes Sentencing Enhancement Act (28  
20 U.S.C. 994 note).”.

21 (b) ANNUAL SUBMISSION.—Paragraph (4) of section  
22 485(f) (20 U.S.C. 1092(f)(4)) is amended to read as fol-  
23 lows:

24 “(4)(A) Each institution participating in any pro-  
25 gram under this title shall annually submit to the Sec-

1   retary a copy of the statistics required to be made avail-  
2   able pursuant to paragraphs (1)(F) and (1)(H).

3       “(B) The Secretary shall collect such statistics and  
4   report each set in its entirety, with each institution and  
5   campus clearly identified, to the Committee on Education  
6   and the Workforce of the House of Representatives, the  
7   Committee on Labor and Human Resources of the Senate,  
8   each participating institution, and the public via printed  
9   means, the Internet, and such other means as the Sec-  
10   retary shall determine. This report shall be issued on or  
11   before February 1 of each year.”.

12       (c) COMPILATION METHOD.—Paragraph (6) of sec-  
13   tion 485(f) (20 U.S.C. 1092(f)(6)) is amended to read as  
14   follows:

15       “(6)(A) The statistics described in paragraphs (1)(F)  
16   and (1)(H) shall be compiled in accordance with the stand-  
17   ards and definitions used in the uniform crime reporting  
18   system of the Department of Justice, Federal Bureau of  
19   Investigation, and the modifications in such standards and  
20   definitions as implemented pursuant to the Hate Crime  
21   Statistics Act (28 U.S.C. 534, note) and shall include in-  
22   formation, if available, about any family, marital, or inti-  
23   mate partner relationship between the victim and the al-  
24   leged perpetrator.

1       “(B)(i) The accuracy of the statistics described in  
2 paragraphs (1)(F) and (1)(H) shall be certified by an offi-  
3 cial designated by each institution who is charged with  
4 compiling statistics for inclusion. Such official shall be re-  
5 sponsible for disseminating the information required  
6 under this paragraph as well as the monthly reports re-  
7 quired under paragraph (4)(B).

8       “(ii) Such official shall ensure, to the maximum ex-  
9 tent possible, that the annual statistics required under this  
10 paragraph are not duplicative of incidents included in the  
11 reports required under paragraph (4)(B).

12       “(iii) Such official shall also be responsible for coordi-  
13 nating and disseminating information regarding campus-  
14 based and community-based crime prevention programs.

15       “(iv) Such official shall not identify victims of crimes  
16 or those accused of crimes in publishing the statistics de-  
17 scribed in paragraphs (1)(F) and (1)(H) or in disseminat-  
18 ing the reports required under paragraph (4)(B) or the  
19 information described in subparagraph (iii).”.

20       (d) CRIME LOGS.—Section 485(f) is further amend-  
21 ed—

22               (1) by redesignating paragraphs (4) through  
23               (7) as paragraphs (5) through (8), respectively; and

24               (2) by inserting after paragraph (3) the follow-  
25               ing new paragraph:

1       “(4)(A) Each institution participating in any pro-  
2 gram under this title which maintains either a police or  
3 security department of any kind shall make a monthly re-  
4 port, written in a form that can be easily understood, that  
5 records in chronological order all crimes reported to such  
6 police or security department. Such reports shall not iden-  
7 tify victims of the crime or persons accused of the crime,  
8 but shall include, in a manner determined by the Sec-  
9 retary—

10               “(i) the nature, date, time, and general location  
11       of each crime; and

12               “(ii) the disposition of the complaint, if known.

13       “(B) Monthly reports shall be disseminated through  
14 at least the following means: campus-sponsored publica-  
15 tions (including student newspapers), notice through resi-  
16 dent advisory organizations, and electronic networks.”.

17       (e) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect on September 1, 1998.

19 **SEC. 813. EXEMPTION OF ALLEGATIONS OF CRIMINAL AC-**  
20 **TIVITY FROM EDUCATION RECORDS DEFINI-**  
21 **TION.**

22       (a) AMENDMENT.—Section 444(a)(4)(B) of the Gen-  
23 eral Education Provisions Act (20 U.S.C. 1232g(a)(4)(B))  
24 is amended—



1           (1) by redesignating clauses (iii) and (iv) as  
2           clauses (iv) and (v), respectively; and

3           (2) by inserting after clause (ii) the following  
4           new clause:

5           “(iii) records which are made or maintained by  
6           any officer, office, department, or individual em-  
7           ployee of an educational agency or institution  
8           about—

9           “(I) individuals who have been found guilty  
10          of, or have pled guilty to, committing or partici-  
11          pating in any criminal activity as defined in  
12          local, State, or Federal law alleged to have oc-  
13          curred while the individual was a student in at-  
14          tendance, including audit or noncredit, at an  
15          educational agency or institution;

16          “(II) the findings of any campus discipli-  
17          nary proceedings;

18          “(III) the sanctions incurred (if any), and  
19          any subsequent findings or amendments to such  
20          sanctions;

21          “(IV) findings of guilt of criminal mis-  
22          conduct and related sanctions from any pre-  
23          viously attended educational agencies or institu-  
24          tions where such records were created on or  
25          after September 1, 1998, and which are main-

1           tained by the institution currently or most re-  
2           cently attended by the individual; and

3           “(V) any criminal acts required to be re-  
4           ported under paragraph (1)(F), (1)(H), or (4)  
5           of section 485(f) of the Higher Education Act  
6           of 1965 (20 U.S.C. 1092(f)).”.

7           (b) EFFECTIVE DATE.—The amendments made by  
8           this section shall take effect on September 1, 1998.

9   **SEC. 814. PROGRAM PARTICIPATION AGREEMENT EN-**  
10                   **FORCEMENT.**

11           (a) PROGRAM PARTICIPATION AGREEMENT RE-  
12   QUIREMENTS.—Section 487(a)(12) (20 U.S.C.  
13   1094(a)(12)) is amended—

14           (1) by striking “and” at the end of subpara-  
15           graph (A);

16           (2) by striking the period at the end of sub-  
17           paragraph (B) and inserting “; and”; and

18           (3) by adding at the end the following new sub-  
19           paragraph:

20           “(C) the policies and crime statistics dis-  
21           closed under section 485(f) are comprehensive  
22           and accurate.”.

23           (b) EFFECTIVE DATE.—The amendments made by  
24           this section shall take effect on September 1, 1998.

1 **SEC. 815. REPORT ON MODEL PROGRAMS.**

2 (a) REPORT REQUIRED.—The Attorney General and  
 3 the Secretary of Education shall publish annually a report  
 4 identifying model programs for improving campus safety  
 5 and complying with the requirements of section 485(f) of  
 6 the Higher Education Act of 1965 (20 U.S.C. 1092(f)),  
 7 including an identification of programs at institutions of  
 8 varying sizes and purposes.

9 (b) DISSEMINATION OF REPORT.—The report re-  
 10 quired by subsection (a) shall—

11 (1) be transmitted to the Committee on the Ju-  
 12 diciary and the Committee on Education and the  
 13 Workforce of the House of Representatives, and the  
 14 Committee on the Judiciary and the Committee on  
 15 Labor and Human Resources of the Senate; and

16 (2) be provided to each participating institution  
 17 and the public via printed means, the Internet, and  
 18 such other means as the Secretary of Education  
 19 shall determine.

20 **Subtitle C—Violence Against**  
 21 **Women Training for Health Pro-**  
 22 **fessions**

23 **SEC. 821. SHORT TITLE.**

24 This subtitle may be cited as the “Violence Against  
 25 Women Training for Health Professions Act”.

1 **SEC. 822. ESTABLISHMENT, FOR CERTAIN HEALTH PROFES-**  
2 **SIONS PROGRAMS, OF PROVISIONS REGARD-**  
3 **ING DOMESTIC VIOLENCE AND SEXUAL AS-**  
4 **SAULT.**

5 (a) TITLE VII PROGRAMS; PREFERENCES IN FINAN-  
6 CIAL AWARDS.—Section 791 of the Public Health Service  
7 Act (42 U.S.C. 295j) is amended by redesignating sub-  
8 section (c) as subsection (d), and by inserting after sub-  
9 section (b) the following subsection:

10 “(c) PREFERENCES REGARDING TRAINING IN IDEN-  
11 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC  
12 VIOLENCE AND SEXUAL ASSAULT.—

13 “(1) IN GENERAL.—In the case of a health pro-  
14 fessions entity specified in paragraph (2), the Sec-  
15 retary shall, in making awards of grants or contracts  
16 under this title, give preference to any such entity  
17 (if otherwise a qualified applicant for the award in-  
18 volved) that has in effect the requirement that, as a  
19 condition of receiving a degree or certificate (as ap-  
20 plicable) from the entity, each student have had sig-  
21 nificant training developed in consultation and col-  
22 laboration with national, State, and local domestic  
23 violence and sexual assault coalitions and programs  
24 in carrying out the following functions as a provider  
25 of health care:

1           “(A) Identifying victims of domestic vio-  
2           lence and sexual assault, and maintaining com-  
3           plete medical records that include documenta-  
4           tion of the examination, treatment given, and  
5           referrals made, and recording the location and  
6           nature of the victim’s injuries.

7           “(B) Examining and treating such victims,  
8           within the scope of the health professional’s dis-  
9           cipline, training, and practice, including, at a  
10          minimum, providing medical advice regarding  
11          the dynamics and nature of domestic violence  
12          and sexual assault.

13          “(C) Referring the victims to public and  
14          nonprofit private entities that provide services  
15          for such victims.

16          “(2) RELEVANT HEALTH PROFESSIONS ENTI-  
17          TIES.—For purposes of paragraph (1), a health pro-  
18          fessions entity specified in this paragraph is any en-  
19          tity that is a school of medicine, a school of osteo-  
20          pathic medicine, a graduate program in mental  
21          health practice, a school of nursing (as defined in  
22          section 853), a program for the training of physician  
23          assistants, or a program for the training of allied  
24          health professionals.

1           “(3) REPORT TO CONGRESS.—Not later than 2  
2       years after the date of the enactment of the Violence  
3       Against Women Training for Health Professions  
4       Act, the Secretary shall submit to the Committee on  
5       Commerce of the House of Representatives, and the  
6       Committee on Labor and Human Resources of the  
7       Senate, a report specifying the health professions en-  
8       tities that are receiving preference under paragraph  
9       (1); the number of hours of training required by the  
10      entities for purposes of such paragraph; the extent  
11      of clinical experience so required; and the types of  
12      courses through which the training is being pro-  
13      vided, including the extent of involvement of non-  
14      profit nongovernmental domestic violence and sexual  
15      assault victims services programs in the training.

16           “(4) DEFINITIONS.—For purposes of this sub-  
17      section—

18           “(A) the term ‘domestic violence’ includes  
19      acts or threats of violence, not including acts of  
20      self defense, committed by a current or former  
21      spouse of the victim, by a person with whom  
22      the victim shares a child in common, by a per-  
23      son who is cohabitating with or has cohabitated  
24      with the victim, by a person who is or has been  
25      in a continuing social relationship of a romantic

1 or intimate nature with the victim, by a person  
2 similarly situated to a spouse of the victim  
3 under the domestic or family violence laws of  
4 the jurisdiction, or by any other person against  
5 a victim who is protected from that person's  
6 acts under the domestic or family violence laws  
7 of the jurisdiction; and

8 “(B) the term ‘sexual assault’ means any  
9 conduct proscribed by chapter 109A of title 18,  
10 United States Code, whether or not the conduct  
11 occurs in the special maritime and territorial  
12 jurisdiction of the United States or in a Federal  
13 prison and includes both assaults committed by  
14 offenders who are strangers to the victim and  
15 assaults committed by offenders who are known  
16 to the victim or related by blood or marriage to  
17 the victim.”.

18 (b) TITLE VIII PROGRAMS; PREFERENCES IN FI-  
19 NANCIAL AWARDS.—Section 860 of the Public Health  
20 Service Act (42 U.S.C. 298b–7) is amended by adding at  
21 the end the following subsection:

22 “(f) PREFERENCES REGARDING TRAINING IN IDEN-  
23 TIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC  
24 VIOLENCE AND SEXUAL ASSAULT.—

1           “(1) IN GENERAL.—In the case of a health pro-  
2       fessions entity specified in paragraph (2), the Sec-  
3       retary shall, in making awards of grants or contracts  
4       under this title, give preference to any such entity  
5       (if otherwise a qualified applicant for the award in-  
6       volved) that has in effect the requirement that, as a  
7       condition of receiving a degree or certificate (as ap-  
8       plicable) from the entity, each student have had sig-  
9       nificant training developed in consultation and col-  
10      laboration with national, State, and local domestic  
11      violence and sexual assault coalitions and programs  
12      in carrying out the following functions as a provider  
13      of health care:

14           “(A) Identifying victims of domestic vio-  
15      lence and sexual assault, and maintaining com-  
16      plete medical records that include documenta-  
17      tion of the examination, treatment given, and  
18      referrals made, and recording the location and  
19      nature of the victim’s injuries.

20           “(B) Examining and treating such victims,  
21      within the scope of the health professional’s dis-  
22      cipline, training, and practice, including, at a  
23      minimum, providing medical advice regarding  
24      the dynamics and nature of domestic violence  
25      and sexual assault.



1           “(C) Referring the victims to public and  
2           nonprofit private entities that provide services  
3           for such victims.

4           “(2) RELEVANT HEALTH PROFESSIONS ENTI-  
5           TIES.—For purposes of paragraph (1), a health pro-  
6           fessions entity specified in this paragraph is any en-  
7           tity that is a school of nursing or other public or  
8           nonprofit private entity that is eligible to receive an  
9           award described in such paragraph.

10          “(3) REPORT TO CONGRESS.—Not later than 2  
11          years after the date of the enactment of the Violence  
12          Against Women Training for Health Professions Act  
13          of 1997, the Secretary shall submit to the Commit-  
14          tee on Commerce of the House of Representatives,  
15          and the Committee on Labor and Human Resources  
16          of the Senate, a report specifying the health profes-  
17          sions entities that are receiving preference under  
18          paragraph (1); the number of hours of training re-  
19          quired by the entities for purposes of such para-  
20          graph; the extent of clinical experience so required;  
21          and the types of courses through which the training  
22          is being provided and the extent of involvement of  
23          nonprofit nongovernmental domestic violence and  
24          sexual assault victims services programs in the train-  
25          ing.

1           “(4) DEFINITIONS.—For purposes of this sub-  
2       section—

3           “(A) the term ‘domestic violence’ includes  
4       acts or threats of violence, not including acts of  
5       self defense, committed by a current or former  
6       spouse of the victim, by a person with whom  
7       the victim shares a child in common, by a per-  
8       son who is cohabitating with or has cohabitated  
9       with the victim, by a person who is or has been  
10      in a continuing social relationship of a romantic  
11      or intimate nature with the victim, by a person  
12      similarly situated to a spouse of the victim  
13      under the domestic or family violence laws of  
14      the jurisdiction, or by any other person against  
15      a victim who is protected from that person’s  
16      acts under the domestic or family violence laws  
17      of the jurisdiction; and

18          “(B) the term ‘sexual assault’ means any  
19      conduct proscribed by chapter 109A of title 18,  
20      United States Code, whether or not the conduct  
21      occurs in the special maritime and territorial  
22      jurisdiction of the United States or in a Federal  
23      prison and includes both assaults committed by  
24      offenders who are strangers to the victim and  
25      assaults committed by offenders who are known

1 to the victim or related by blood or marriage to  
2 the victim.”.

3 **Subtitle D—Campus Hate Crimes**  
4 **Right To Know**

5 **SEC. 831. DISCLOSURE.**

6 (a) **SHORT TITLE.**—This subtitle may be cited as the  
7 “Campus Hate Crimes Right to Know Act”.

8 (b) **FINDINGS.**—Congress finds that—

9 (1) the incidence of violence on college cam-  
10 puses based on race, gender, religion, sexual orienta-  
11 tion, ethnicity, or disability poses a serious national  
12 problem;

13 (2) such violence disrupts the tranquility and  
14 safety of campuses and is deeply divisive;

15 (3) hate crimes include crimes in which the per-  
16 petrator intentionally selects a victim because of the  
17 actual or perceived race, gender, religion, sexual ori-  
18 entation, ethnicity, or disability of the victim;

19 (4) existing Federal reporting requirements  
20 only require colleges and universities to report hate  
21 crimes that result in murder, rape, or aggravated as-  
22 sault;

23 (5) existing reporting requirements are inad-  
24 equate to deal with the problem of hate crimes since  
25 the vast majority of hate crimes that occur on col-

1       lege campuses do not result in murder, rape, or ag-  
2       gravated assault;

3           (6) existing reporting requirements are inad-  
4       equate because the requirements do not require col-  
5       leges and universities to report hate crimes that tar-  
6       get victims because of the victims' gender or disabil-  
7       ity;

8           (7) omitting certain hate crimes from official  
9       campus crime reports may result in a false sense of  
10      security among students and apathy from campus  
11      officials;

12          (8) omitting certain hate crimes from official  
13      campus crime reports deprives students and parents  
14      of the students of vital information necessary to pro-  
15      tect the students against such crimes and to make  
16      informed decisions in choosing a college or univer-  
17      sity;

18          (9) requiring postsecondary institutions to re-  
19      port all hate crimes that occur on their campuses  
20      will provide students and parents of the students  
21      with vital information so that the students may bet-  
22      ter protect themselves against such crimes; and

23          (10) requiring postsecondary institutions to re-  
24      port all hate crimes that occur on their campuses  
25      will encourage college officials to raise awareness

1       about such crimes and develop programs and strate-  
2       gies to combat such crimes.

3       (c) AMENDMENT.—Section 485(f)(1)(F) of the High-  
4       er Education Act of 1965 (20 U.S.C. 1092(f)(1)(F)) is  
5       amended—

6               (1) by redesignating clauses (i) through (viii),  
7       as amended by this title, as subclauses (I) through  
8       (VIII), respectively;

9               (2) by striking “Statistics” and inserting “(i)  
10       Statistics”; and

11              (3) by adding at the end the following:

12              “(ii) Statistics concerning the occurrence on  
13       campus, during the most recent calendar year, and  
14       during the 2 preceding calendar years for which data  
15       are available, of all criminal incidents that manifest  
16       evidence of prejudice based on actual or perceived  
17       race, gender, religion, sexual orientation, ethnicity,  
18       or disability that are reported to campus security  
19       authorities or local police agencies. The statistics  
20       shall be collected and reported according to category  
21       of prejudice.”.

1 **TITLE IX—VIOLENCE AGAINST**  
2 **WOMEN INTERVENTION, PRE-**  
3 **VENTION, AND EDUCATION**  
4 **RESEARCH**

5 **SEC. 901. VIOLENCE AGAINST WOMEN INTERVENTION, PRE-**  
6 **VENTION, AND EDUCATION RESEARCH.**

7 The Violence Against Women Act of 1994 (108 Stat.  
8 1902), as amended by this Act, is amended by adding at  
9 the end of that title the following:

10 **“Subtitle I—Violence Against**  
11 **Women Intervention, Preven-**  
12 **tion, and Education Research**

13 **“SEC. 40901. FINDINGS.**

14 “(a) FINDINGS.—Congress finds the following:

15 “(1) According to a Panel on Research on Vio-  
16 lence Against Women convened by the National Re-  
17 search Council in response to the mandates by the  
18 Violence Against Women Act of 1994—

19 “(A) significant gaps exist in understand-  
20 ing the extent and causes of violence against  
21 women and the impact and the effectiveness of  
22 education, prevention, and interventions;

23 “(B) funding for research on violence  
24 against women is spread across numerous Fed-  
25 eral agencies with no mechanism through which

1 to coordinate these efforts or to link with other  
2 federally sponsored research initiatives; and

3 “(C) research on violence against women  
4 would benefit from an infrastructure that sup-  
5 ports interdisciplinary efforts and aids in inte-  
6 grating these efforts into practice and policy.

7 “(2) Despite the increased funding to prevent  
8 and respond to violence against women in under-  
9 served populations, few studies have examined inci-  
10 dence and prevalence data from the perspective of  
11 racial, ethnic, language, age, disability, and other  
12 underserved populations. Moreover, little is known  
13 about the types of education, prevention, and inter-  
14 vention strategies that are most effective in under-  
15 served populations.

16 “(3) Most studies currently focus on aspects of  
17 domestic violence related to physical abuse. Few  
18 studies explore the harm caused by emotional and  
19 psychological abuse and the appropriate intervention  
20 and preventions strategies for victims experiencing  
21 this form of abuse.

22 “(4) Violence exposure as a risk factor for dis-  
23 ease must be examined for a range of diseases and  
24 diagnoses to better understand the correlation be-

1       tween violence and disease including intervening  
2       variables.

3           “(5) Violence against women occurs within the  
4       context of a sociocultural environment that should  
5       be studied to assist in a greater understanding of  
6       those factors that promote and maintain violence  
7       against women and to provide a framework for de-  
8       veloping and assessing education, prevention, and  
9       intervention strategies.

10   **“SEC. 40902. MULTI-AGENCY TASK FORCE.**

11       “(a) PURPOSES.—The Secretary of Health and  
12   Human Services and the Attorney General shall establish  
13   a multi-agency task force to coordinate research on vio-  
14   lence against women. The task force shall comprise rep-  
15   resentation from all Federal agencies that fund such re-  
16   search.

17       “(b) USES OF FUNDS.—Funds appropriated under  
18   this section shall be used to—

19           “(1) develop a coordinated strategy to strength-  
20       en research focussed on education, prevention, and  
21       intervention strategies on violence against women;

22           “(2) track and report on all Federal research  
23       and expenditures on violence against women;

24           “(3) identify gaps in research and develop cri-  
25       teria for all Federal agencies for evaluating research



1 proposals, taking into account the context within  
2 which women live their lives, including the broad so-  
3 cial and cultural context as well as individual fac-  
4 tors; and

5 “(4) set priorities for research efforts that ex-  
6 plore factors such as race, social, and economic  
7 class, geographic location, age, language, sexual ori-  
8 entation, disability, and other factors that shape the  
9 context and experience of violence in women’s lives.

10 “(c) AUTHORIZATION OF APPROPRIATION.—There  
11 shall be appropriated \$500,000 for each of fiscal years  
12 1999, 2000, and 2001 to fulfill the purposes of this sec-  
13 tion.

14 **“SEC. 40903. EDUCATION, PREVENTION, AND INTERVEN-**  
15 **TION RESEARCH GRANTS.**

16 “(a) PURPOSES.—The Department of Health and  
17 Human Services in consultation with the Department of  
18 Justice shall make grants to entities, including domestic  
19 violence and sexual assault organizations, research organi-  
20 zations, and academic institutions, to support research to  
21 further the understanding of the causes of violent behavior  
22 against women and to evaluate education, prevention, and  
23 intervention programs.

24 “(b) USE OF FUNDS.—The research conducted under  
25 this section shall include, but not be limited to the follow-

1 ing areas and others that may be identified by the Task  
2 Force established under section 902 of this title—

3 “(1) longitudinal research to study the develop-  
4 mental trajectory of violent behavior against women  
5 and the way such violence differs from other violent  
6 behaviors;

7 “(2) examination of risk factors for sexual and  
8 intimate partner violence for victims and perpetra-  
9 tors, such as poverty, childhood victimization and  
10 other traumas;

11 “(3) examination of short- and long-term ef-  
12 forts of programs designed to prevent sexual and in-  
13 timate partner violence;

14 “(4) outcome evaluations of interventions tar-  
15 geted at children and teenagers;

16 “(5) examination of and documentation of the  
17 processes and informal strategies women experience  
18 in attempting to manage and end the violence in  
19 their lives; and

20 “(6) development and testing of effective meth-  
21 ods of screening and providing services at all points  
22 of entry to the health care system, including mental  
23 health, emergency medicine, and primary care.

1       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
2 shall be appropriated \$6,000,000 for each of the fiscal  
3 years 1999, 2000, and 2001.

4       **“SEC. 40904. ADDRESSING GAPS IN RESEARCH.**

5       “(a) PURPOSES.—The Department of Health and  
6 Human Services and the Department of Justice shall  
7 make grants to domestic violence and sexual assault orga-  
8 nizations, research organizations and academic institu-  
9 tions for the purpose of expanding knowledge about vio-  
10 lence against women, with a particular emphasis on ex-  
11 ploring such issues as they affect underserved commu-  
12 nities.

13       “(b) USES OF FUNDS.—Funds appropriated under  
14 this section shall be used to examine, but not be limited  
15 to, the following areas—

16               “(1) development of national- and community-  
17 level survey studies to measure the incidence and  
18 prevalence of violence against women in underserved  
19 populations and the definitions women use to de-  
20 scribe their experience of violence;

21               “(2) qualitative and quantitative research to  
22 understand how factors such as race, ethnicity, so-  
23 cioeconomic status, age, language, disability, and  
24 sexual orientation shape the context and experience  
25 of violence in women’s lives, as well as the education,

1 prevention, and intervention strategies available to  
2 women and girls;

3 “(3) study of the availability and accessibility of  
4 State and local legal remedies to victims of intimate  
5 partner violence within the context of a same sex in-  
6 timate relationship;

7 “(4) study of violence against women as a risk  
8 factor for diseases from a multivariate perspective;

9 “(5) examine the prevalence and dynamics of  
10 emotional and psychological abuse, the effects on  
11 women of such abuse, and the education, prevention,  
12 and intervention strategies that are available to ad-  
13 dress this type of abuse;

14 “(6) an examination of the need for and avail-  
15 ability of legal assistance and services for victims of  
16 sexual assault;

17 “(7) the use of nonjudicial alternative dispute  
18 resolution (such as mediation, negotiation, concilia-  
19 tion, and restorative justice models) in cases where  
20 domestic violence is a factor, comparing nonjudicial  
21 alternative dispute resolution and traditional judicial  
22 methods based upon the quality of representation of  
23 the victim, training of mediators or other  
24 facilitators, satisfaction of the parties, and outcome

1 of the proceedings, as well as other factors that may  
2 be identified;

3 “(8) the examination of effective models to ad-  
4 dress domestic violence in child protective services  
5 and child welfare agencies, including documenting  
6 the scope of the problem, identifying the risk of  
7 harm perpetrators of domestic violence pose to chil-  
8 dren and pose to parents who are victims of domes-  
9 tic violence, and examining effective models to ad-  
10 dress domestic violence in the context of child wel-  
11 fare and child protection that protect children while  
12 protecting parents who are victims of domestic vio-  
13 lence; and

14 “(9) other such research as may be determined  
15 by the Task Force established under section 40902  
16 in consultation with domestic violence and sexual as-  
17 sault advocates, coalitions, national experts, and re-  
18 searchers.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
20 shall be appropriated \$4,500,000 for each of fiscal years  
21 1999, 2000, and 2001 to carry out this section.

22 **“SEC. 40905. STUDY.**

23 “The United States Sentencing Commission shall  
24 study the following and report to the Congress—

1           “(1) sentences given to persons incarcerated in  
2       Federal and State prison for assault or homicide  
3       crimes in which the relationship to the victim was a  
4       spouse, former spouse, or intimate partner;

5           “(2) the effect of illicit drugs and alcohol on do-  
6       mestic violence and the sentences imposed for of-  
7       fenses involving such illicit drugs and alcohol where  
8       domestic violence occurred;

9           “(3) the extent to which acts of domestic vio-  
10      lence committed against the defendant, including co-  
11      ercion, may play a role in the commission of an of-  
12      fense;

13          “(4) analysis delineated by race, gender, type of  
14      offense, and any other categories that would be use-  
15      ful for understanding the problem; and

16          “(5) recommendations with respect to the of-  
17      fenses described in this section particularly any basis  
18      for a downward adjustment in any applicable guide-  
19      lines determination.

20   **“SEC. 40906. RESEARCH ON PREGNANCY AND SEXUAL AS-**  
21           **SAULT.**

22          “(a) PURPOSES.—The Secretary of Health and  
23      Human Services, in conjunction with the Attorney Gen-  
24      eral, shall award grants to nonprofit entities, including  
25      sexual assault organizations, research organizations, and

1 academic institutions, to gather qualitative and quan-  
2 titative data on the experiences of women and girls who  
3 become pregnant as a result of sexual assault within State  
4 health care, judicial, and social services systems.

5 “(b) USE OF FUNDS.—This research shall include  
6 issues such as—

7 “(1) the incidence and prevalence of pregnancy  
8 resulting from sexual assault, including the ages of  
9 the victim and perpetrator, and any relationship of  
10 the perpetrator to the victim (such as family, ac-  
11 quaintance, intimate partner, spouse, household  
12 member, etc.);

13 “(2) the degree to which State adoption, child  
14 custody, visitation, child support, parental termi-  
15 nation, and child welfare criminal justice laws and  
16 policies serve the needs of women and girls who be-  
17 come pregnant as a result of sexual assault;

18 “(3) the impact of State social services rules,  
19 policies and procedures, such as paternity establish-  
20 ment, family cap, medicaid and other health benefits  
21 policies and procedures, on women and girls who be-  
22 come pregnant as a result of sexual assault and on  
23 those children born as a result of the sexual assault;

24 “(4) the availability of public or private legal,  
25 medical, mental health, counseling, financial and

1 other forms of assistance to women and girls who  
2 become pregnant as a result of sexual assault and to  
3 the children born as a result of the sexual assault,  
4 including the extent to which barriers exist in ac-  
5 cessing assistance for women and girls in particular  
6 racial, ethnic, language minority, or geographically  
7 isolated populations, or because of their alienage sta-  
8 tus, disability, sexual orientation or income level;  
9 and

10 “(5) recommendations for improvements in  
11 State health care, judicial and social services sys-  
12 tems to address the needs of women and girls who  
13 become pregnant as a result of sexual assault and of  
14 the children born as a result of the sexual assault.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to carry out this section  
17 \$500,000 for fiscal year 1999.

18 **“SEC. 40907. STATUS REPORT ON LAWS REGARDING RAPE**  
19 **AND SEXUAL ASSAULT OFFENSES.**

20 “(a) STUDY.—The Attorney General, in consultation  
21 with national, State, and local domestic violence and sex-  
22 ual assault coalitions and programs, including, nationally  
23 recognized experts on sexual assault, such as from the ju-  
24 diciary, the legal profession, psychological associations,  
25 and sex offender treatment providers, shall conduct a na-



1 tional study to examine the status of the law with respect  
2 to rape and sexual assault offenses and the effectiveness  
3 of the implementation of laws in addressing such crimes  
4 and protecting their victims. The Attorney General may  
5 utilize the Bureau of Justice Statistics, the National Insti-  
6 tute of Justice, and the Office for Victims of Crime in  
7 carrying out this section.

8 “(b) REPORT.—Based on the study required under  
9 subsection (a), the Attorney General shall prepare a re-  
10 port, including an analysis of the uniformity of the rape  
11 and sexual assault laws including sex offenses committed  
12 against children and sex offenses involving penetration of  
13 any kind among the States and their effectiveness in pros-  
14 ecuting crimes of rape and sexual assault offenses as fol-  
15 lows:

16 “(1) Definitions of rape and sexual assault, in-  
17 cluding any marital rape exception and any other ex-  
18 ception or downgrading of offense.

19 “(2) Element of consent and coercive conduct,  
20 including deceit.

21 “(3) Element of physical resistance and affirm-  
22 ative nonconsent as a precondition for conviction.

23 “(4) Element of force, including penetration re-  
24 quirement as aggravating factor and use of coercion.

25 “(5) Evidentiary matters—

1           “(A) inferences—timeliness of complaint  
2           under the Model Penal Code;

3           “(B) post traumatic stress disorder (in-  
4           cluding rape trauma syndrome) relevancy of  
5           scope and admissibility;

6           “(C) rape shield laws—in camera evi-  
7           dentiary determinations;

8           “(D) prior bad acts; and

9           “(E) corroboration requirement and cau-  
10          tionary jury instructions.

11          “(6) Existence of special rules for rape and sex-  
12          ual assault offenses.

13          “(7) Use of experts.

14          “(8) Sentencing—

15               “(A) plea bargains;

16               “(B) presentence reports;

17               “(C) recidivism and remorse;

18               “(D) adolescents;

19               “(E) psychological injuries;

20               “(F) gravity of crime and trauma to vic-  
21          tim; and

22               “(G) race.

23          “(9) Any personal or professional relationship  
24          between the perpetrator and the victim.

1           “(10) Any recommendations of the Attorney  
2       General for reforms to foster uniformity among the  
3       States in addressing rape and sexual assault of-  
4       fenses in order to protect victims more effectively  
5       while safeguarding due process.

6       “(c) DEFINITION.—For purposes of this section, the  
7       term ‘rape and sexual assault offenses’ includes carnal  
8       knowledge of a child, abduction with intent to defile, inde-  
9       cent liberties, bestiality, forcible sodomy, sexual penetra-  
10      tion with an animate or inanimate object, forced sexual  
11      intercourse (labia majora penetration or anus penetra-  
12      tion), cunnilingus, fellatio, anallingus, anal intercourse,  
13      sexual battery, aggravated sexual battery, and sexual  
14      abuse, accomplished by use of force, threats, or intimidat-  
15      ion.

16      “(d) FINDINGS.—The Attorney General shall ensure  
17      that no later than 1 year after the date of enactment of  
18      this Act, the study required under subsection (a) is com-  
19      pleted and a report describing the findings made is sub-  
20      mitted to Congress.

21      “(e) AUTHORIZATION OF APPROPRIATION.—It is au-  
22      thorized that \$200,000 be appropriated to carry out the  
23      study required by this section.

1 **“SEC. 40908. RESEARCH CENTERS.**

2       “The Secretary of Health and Human Services and  
3 the Attorney General shall establish 3 research centers to  
4 support the development of research and training program  
5 to focus on violence against women, to provide mecha-  
6 nisms for collaboration between researchers and practi-  
7 tioners, and to provide technical assistance for integrating  
8 research into service provision. Each Center shall be orga-  
9 nized around a research area such as epidemiology and  
10 measurement of violence against women, causes and risk  
11 factors, and prevention and intervention evaluation re-  
12 search. At least one of the centers shall be established at  
13 an entity other than an academic institution. There shall  
14 be appropriated \$3,000,000 for each of the fiscal years  
15 1999, 2000, and 2001 to carry out this section.”.

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